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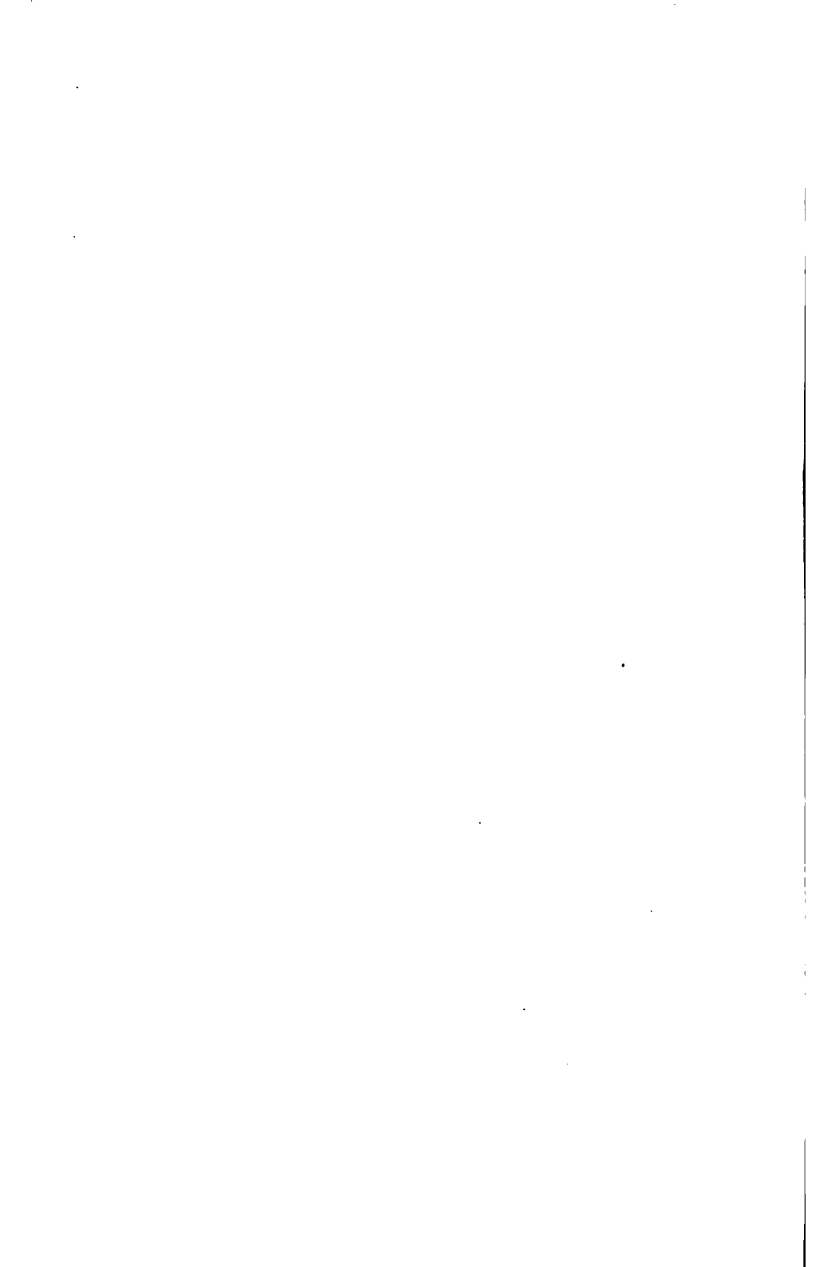
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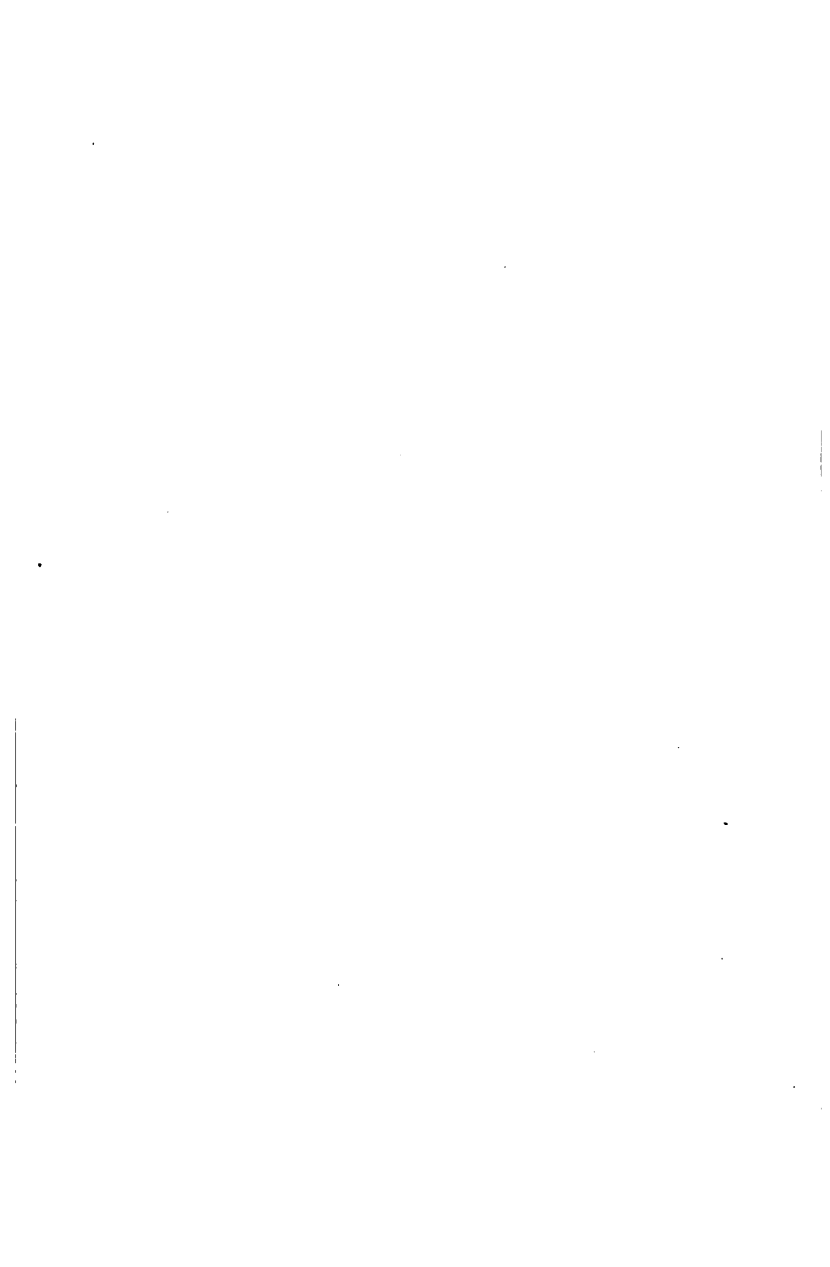


**THE GIFT OF
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^oPOLITICS

FOR YOUNG AMERICANS.

BY CHARLES NORDHOFF,

AUTHOR OF

"THE COMMUNISTIC SOCIETIES OF THE UNITED STATES," "NORTHERN CALIFORNIA, OREGON, AND THE SANDWICH ISLANDS," "CALIFORNIA FOR HEALTH, PLEASURE, AND RESIDENCE," ETC.

A REVISED EDITION FOR SCHOOLS AND COLLEGES.



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TO PARENTS AND TEACHERS.

IN the following pages I have attempted to explain in simple language, and by familiar illustrations fitted for the comprehension of boys and girls, the meaning and limits of liberty, law, government, and human rights; and thus to make intelligible to them the political principles on which our system of government in the United States is founded.

The book grew out of an attempt, in a few letters, to instruct my oldest son in the political knowledge which every American boy ought to possess to fit him for the duties of citizenship. I found my subject much larger than I at first imagined; but interest in the attempt led me on, and what was begun originally for one boy is here printed for the use of others. I have retained the familiar and direct style which one naturally uses in addressing a boy, because thus I hope more easily to interest young people in the subject.

I believe that free government is a political application of the Christian theory of life; that at the base of the republican system lies the Golden Rule; and that

to be a good citizen of the United States one ought to be imbued with the spirit of Christianity, and to believe in and act upon the teachings of Jesus. He condemned self-seeking, covetousness, hypocrisy, class distinctions, envy, malice, undue and ignoble ambition; and he inculcated self-restraint, repression of the lower and meaner passions, love to the neighbor, contentment, gentleness, regard for the rights and happiness of others, and respect for the law.

It seems to me that the vices he condemned are those also which are dangerous to the perpetuity of republican government; and that the principles he inculcated may be properly used as tests of the merits of a political system or a public policy. In this spirit I have written, believing that thus "government of the people, by the people, and for the people," can be most clearly justified and explained.

ALPINE, NEW JERSEY, *Dec.*, 1875.

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TO

WALTER NORDHOFF:



MY DEAR BOY,

You are now sixteen; in five years you will have the right and duty to vote not only for (or against) persons, but also upon measures of public policy. I should like you to vote and perform the other duties of citizenship intelligently, and not ignorantly; and to do this it is necessary that you shall understand something of the principles upon which our government was established, and upon which, of course, it ought to be conducted. This is the more necessary, because, if you are right, you will sometimes be in the minority, and when the right cause is in the minority, it is of great importance that its adherents shall be able to give pertinent and convincing reasons for their course: for thus only can a minority hope to become a majority. In a free state every great political struggle is a contest of principles; and you have only to read such a book as the Debates between Lincoln and Douglas to see of what extreme importance to freedom and constitutional government is the ability to comprehend for yourself, and to expose clearly to others, the fundamental principles of free government.

Moreover, you must understand that to the citizen of a free state, politics concern themselves in the largest

sense with the liberty and the prosperity of the people, which are sure to be affected by bad laws—and bad laws are often adopted with the best motives, and urged and supported by men who are as truly patriotic and benevolent as they are ignorant.

It is one of the great merits of our political system in the United States that, though it appears at first view complicated, it is in fact sufficiently simple to be understood by all the citizens. In what follows I mean to explain to you the general principles on which free government rests, and the manner in which those principles are applied in our own country; and I shall try to do this in such a way that, with a little attention and study, you will, I hope, be able to understand all that is needful.

At the foundation of all government is SOCIETY, and of this I must first tell you something.

I.

OF SOCIETY.

1. God does not appear to have created men by chance, for we find all mankind to possess certain qualities, faculties, and desires, which move and rule them, whether they are savages or call themselves civilized, and whether they are black, brown, yellow, or white.

2. One of the principal and most important qualities of mankind is gregariousness. This means that men have a propensity to gather in flocks or herds; a propensity also of many animals, as sheep, cattle, horses, blackbirds, elephants, and some monkeys. This desire for the society of their kind leads animals to go in droves—as the buffaloes upon the plains; and it collects savage men into tribes, and civilized men into nations, which are only larger and more highly organized tribes.

3. But as man has received from God qualities, faculties, and desires which the beasts have not, men are able to do something more than herd together; and the rudest tribe of savages has laws or rules for the conduct of its members which the most highly developed society of apes or blackbirds or elephants of which we know is without.

4. Animals have, 1, desire to live; 2, desire for sufficient food; 3, desire to propagate their kind and to protect their young; and, 4, desire to avoid pain, and to live, therefore, in the circumstances for which their nature best fits them: in other words, to be comfortable. When you see more of men, you will discover that some men are very much like animals, and have no aspirations or desires which can not properly be ranged under the above heads. Such a man I do not want you to be.

5. Besides the desires which we have in common with

beasts, and which are necessary to us in order to preserve our species from extinction, God has given men other desires, and faculties which, if they wish, they may use for their fulfillment. These higher qualities of our lives are not needed for the mere preservation of life. Some of those which by general consent are regarded as the highest, lead inevitably to the lessening of many of our pleasures, and not unfrequently to the surrender of an individual's comfort, happiness, and even life, to increase, as he may believe, the welfare of his fellow-men. Looking at these higher motives, desires, and aspirations, and at the degree in which they interfere with the happiness or comfort of the body alone, it is reasonable to believe, what Jesus taught, that men have something immortal, destined to live on after the body perishes, and capable, after its release from the body, of still greater development and higher enjoyments. This something we call the Soul.

6. Take notice that the soul of man should not obey the law of living, but the law of duty. For instance, of all the friends of your father and mother who served in the late great war, there was not one who, if he had obeyed the mere law of living—the animal instinct of self-preservation—would not have remained at home, and pursued his usual calling, in comfort, with his family about him, and his wealth increasing. Instead of that they abandoned their professions, broke up the careers they had planned for themselves, left their families and their comfortable homes, and undertook to face hardships to which they were unaccustomed, and not a few died on the field of battle. They did and suffered thus, not to benefit themselves, or to gratify any of the desires or passions which men have in common with the beasts, but in the hope of helping to maintain a form of government which they believed to be pre-eminently calculated to elevate mankind, and increase the happiness of their fellows. A buffalo would be incapable of such motives: if he fought, it would be from greed for food, from a desire for a more comfortable lodgment, out of jealousy, or in self-defense, supplemented eventually by rage.

7. A creature believing himself to possess an immortal part, or soul, destined to survive the body, would reasonably seek to prepare this immortal part for the conditions under which it is to exist. And as the future life is, as we are taught, to be lived without the help of the body, it is evident that training the soul or spirit consists in increasing by cultivation our capacity for those enjoyments which do not depend upon the body. To curb the body, therefore, and keep it under control, to restrain the lower passions—those which we have in common with beasts—and to weed out of ourselves envy, greed, spite, covetousness, jealousy, hypocrisy, ill-temper—all tending to disregard for the rights of others—would appear, aside from the commands and instructions of religion, to be the reasonable and prudent course of every man who believes himself to have an immortal part, or soul.

8. But God has so made the world, and so formed mankind that they naturally and inevitably respect and esteem most highly those who most consistently act upon this theory of life. The whole world is combined to honor Washington; and it is equally unanimous in execrating a merely vulgar and selfish trader or politician.

9. Now I wish you to remember, as a FUNDAMENTAL TRUTH IN AMERICAN POLITICS, that the course of life which is thus calculated to fit your immortal part for the future and spiritual life is also that course which will make you a good citizen of the United States.

10. To be a good citizen means not merely that you shall give such prudent obedience to the laws as would keep you out of jail. It means that you shall in all parts of your life live moderately and virtuously; that you shall "love your neighbor as yourself," and therefore do him no wrong; that you shall pursue your aims in life with such moderation as to avoid interfering with the happiness of others; that you shall endeavor by your actions, whenever occasion serves, to benefit your fellow-men: for selfishness breeds selfishness, covetousness corrupts those who behold it, and liberty can only be maintained among a people who practice self-sacri-

face, and to whom a virtuous life seems more important than mere selfish success.

11. To be a good man is your first duty as an American ; but you ought also, if possible, to be a wise citizen, and to that end you should understand what are the proper powers and the proper limitations of government ; what can not as well as what can be done by law. For some of the most foolish and injurious laws on our statute-books have been enacted by good men with a sincere desire to increase the happiness of their fellow-beings. We come then, next, to the consideration of Liberty and the Province of Law.

II.

OF LIBERTY, AND THE PROVINCE OF LAW.

12. You enjoy liberty when you may say and do whatever pleases you and does not injure other persons. If every human being were endowed with infallible judgment as to the effect of his acts on others, and strength of purpose to avoid every thing that could injure his fellow-men, laws would be needless.

13. But as the judgment of men is fallible and their strength varies, and as all men do not think alike, it has been found necessary in almost all societies, however rudely organized, to declare what shall be held injurious ; and not only this, but to declare penalties for such injurious acts. Bear in mind, however, that political laws can cover only a part and not the whole duty of man ; and that there is no lower or meaner rogue than he who studies the law merely to keep out of its clutches.

14. The Congress which sat from December, 1873, to June 23, 1874, enacted five hundred and fifty new laws, of which two hundred and thirty-six were general laws, and three hundred and fourteen private laws. Many of our state legislatures are quite as industrious as Congress ; and the multiplication of laws has become a curse to the country, and has a

tendency to bring into contempt, not only the laws, but those who make them.

15. Considering the propensity of men to multiply laws, and, often with good intentions, to legislate upon subjects which do not come properly within the limits of law, it is proper to tell you that : Laws should be few in number and simple in structure ; they should rigidly avoid granting special privileges or immunities to individuals, but should be general in their application ; and they ought never to interfere with the liberty of men to move about peaceably from place to place ; to discuss freely public affairs and questions ; to engage in whatever honest occupation pleases them ; to produce whatever seems to them most suitable ; and to exchange what they have produced where they please, and for what they most desire. These limitations of the law-making power no doubt seem to you so simple and so evidently just that you will wonder they need to be specified ; but in fact there is in every legislative body a constant propensity to overstep these limits—a tendency which the united efforts of all the wisest men in any state or in the whole country can not entirely resist. It was noticed by an eminent English writer that almost all modern reforms in Europe have been made, not by enacting new laws, but by repealing a great mass of old ones.

III.

OF GOVERNMENTS.

16. Governments may be said to be necessary evils, their necessity arising out of the selfishness and stupidity of mankind.

17. They are of different kinds : Despotisms, where the will of one man is the law ; oligarchies, where a few make the laws for those subordinate to them ; and free or popular governments, where the laws are made by the people, or rather by persons they select for that purpose.

18. In reading history, you will discover that the less intelligent and more selfish a nation was, the more despotic was its government, and the more arbitrary and vexatious its laws; and that as the general average of virtue and intelligence in a nation increased, in the same degree its government and laws became milder and more just. It is equally true that a nation which has enjoyed an excellent government may, by the corruption of its morals, and the consequent increase of selfishness and ignorance, lose this, and have imposed on it a worse, and even the worst form of government. Thus I wish you to believe that it is only by maintaining, and even elevating, the standard of virtue and intelligence among our people that we can preserve our free institutions.

19. Hence the importance that you should be a good citizen, in the largest sense; for the example of each tells upon all who surround him. If, when you become a man, you should be dishonest, unscrupulous, regardless of others' rights, covetous of wealth or distinction to the injury of others, envious, in any way base, your course would help to demoralize and debauch the unthinking and weak, which means the larger part of those who surround you. This is the reason why the course of life of the notorious James Fisk was peculiarly hateful to good citizens; his own life they would have troubled themselves little about, but the influence of his career was pernicious and degrading upon the whole country. This is the reason, too, why Napoleon III. drew on himself in an especial manner the bitter dislike of thoughtful men and women; why we abhor a political demagogue, a swindler in office, or a merely ostentatious rich man: because their bad example is contagious, infects the weaker part of those who see the spectacle, degrades public opinion, and makes vice less odious, and virtue and self-restraint less important in the general mind. On the other hand, the example of probity, of faithfulness to duty and to principle, in the lowest citizen, is valuable and important because it wins general respect, not merely for the man, but for those virtues of which his life is an example.

IV.

*OF THE PRIMARY AND NECESSARY FUNCTIONS
OF GOVERNMENT.*

20. The primary and necessary functions of any government are to maintain the peace and to administer justice, which means to protect the orderly and law-abiding part of the people in the enjoyment of life and property and against the attacks of the disorderly and law-breaking. Necessarily it has also to collect from the people, in the manner most equal and least oppressive, the money needed to pay the officers charged with these duties.

21. Where the average of virtue, intelligence, and self-restraint is high among a people, their government needs to interfere but little in their affairs. Where this average is low, government always interferes more, by means of police, armies, and vexatious regulations. This arises from the fact that peace, order, and the security of life and property are regarded as the most precious and necessary possessions by every people, and to secure these, men and nations are generally ready to give up a large measure of political liberty, and to suffer many other and minor evils, such as high taxation. On this plea the French people were induced to accept Napoleon as the "savior of society," and the common excuse for a despotism is that it is necessary to maintain order; which nevertheless it does not maintain, except temporarily, and at the monstrous cost of increasing the ignorance and helplessness and diminishing the virtue and public spirit of the nation, and thus in the end increasing tremendously the causes of disorder. Napoleon III. held France by the throat for eighteen years, and all the meaner sort of mankind glorified him as the wisest of rulers; but eighteen years of liberty, even with the greatest presumable amount of disorder, would

not have left France as poor, debt-ridden, humiliated, and demoralized as it is to-day.

22. In our own country, since the late war, the Federal Government has been allowed to interfere in the local affairs of some of the states, whose citizens had not sufficient public virtue and self-restraint to maintain order among themselves. I wish you to believe that such forcible interference of the Federal Government, except for special, temporary, and extraordinary occasions, as to quell a sudden riot, is unwise and dangerous: because it debases public spirit, and enervates the orderly part of society, whose highest duty it is to rule and to punish wrong-doers. It would be far wiser to let a state, or even half-a-dozen states, suffer from misgovernment until the orderly part of their communities learned the necessity of forming and maintaining a good administration. California would to-day be in a chaotic condition had its early settlers been taught to depend upon the Federal Government for protection in their local concerns. But these, having borne violence and lawlessness as long as they could, and finding no outside power at hand to help them, at last took affairs into their own hands—where such affairs properly belonged—hanged the worst criminals, banished others, and formed a stable and very highly public-spirited community, which, while largely composed of the rudest elements, yet developed, as the direct result of this experience, in a singularly great degree the spirit of obedience to and respect for law, which is the essence of what we call public spirit.

23. In like manner the city of New York was for many years ruled at Albany, on the plea that it was unsafe to allow the citizens to take charge of their local affairs. But under the Albany rule corruption and disorder constantly increased; and it was left in the end for the people of the city to release themselves by their own effort from the control of the Ring; and they were actually able to do this, even after the corruptionists had for years debauched public sentiment, and when the Ring were at the height of their power, and believed themselves secure in its possession.

24. It is only where the people have public spirit enough to resent wrong, and to give vigorous and instant support to the officers of justice, that governments can be efficient; and it is true that no government will be just, economical, or efficient unless the general opinion of the people requires that it shall be so. Rulers are only men; the possession of power easily demoralizes the best and wisest of men; and no ruler will long be just, efficient, honest, or respectable, who does not feel and fear the force of public indignation; nor will rogues fear the laws, unless they are assured that the mass of citizens will vigorously demand the prompt enforcement of the laws.

25. Thus the city of New York has long suffered from the depredations of the criminal part of its population, because the courts have too often been corrupt, and the administration of the law was lax. A murderer or highway robber, caught red-handed, who was allowed to lie in jail for a year before trial, and to carry his case through all the courts on appeal, knew that his offense would be forgotten before his punishment came; and his fellow-criminals, seeing punishment long delayed and frequently evaded, were encouraged in their vicious careers. Thus crime was fostered. But across the Hudson, in New Jersey, the courts are more rigorous; and the effect of prompt justice was shown, some years ago, in a case of burglary. The burglars, New-Yorkers by residence, were caught; the grand jury, which happened to be in session, found a true bill against them; they were at once brought to trial; and in eleven days after their burglary were sentenced to thirty years in state prison and safely lodged in the Trenton Prison, with no hope of pardon. There was not a burglary for several years in the neighborhood.

26. Back of all laws and all authority must lie a belief that in the last resort every citizen will defend his own rights. You can not put a corporal's guard at every man's door. The thief or robber at bottom never fears the law and the government nearly as much as he does the right arm and courage of the man he seeks to injure. This is shown wherever, in our own country, any even inconsiderable body of citizens have

suffered themselves to be robbed, whether on the highway or by rings of swindling politicians. When, on one occasion, three masked robbers were able to plunder a railroad train full of unresisting passengers in Missouri, other highway robberies were presently reported from the same region. The desperadoes were encouraged in their careers by the quiet submission of their victims. They did not greatly fear the law; and a single shot from a brave citizen would have checked them more immediately than the whole power of the government unsupported by the citizens. In Montana, in the early days of its settlement, the territory for a time lay subject to a powerful robber band, whose members had the audacity even to ride into shops in Helena, in open day, on horseback, and demand tribute from the shopkeepers. They had no dread of police or troops, because the people suffered their exactions without resistance. But one day a courageous shopkeeper shot dead the robber who rode into his store—and that single act, arousing the citizens, caused the speedy extirpation of the robbers.

27. Immediately after the late war the newly emancipated negroes were threatened with various aggressions from the intolerant and ignorant part of the Southern whites; and having been long slaves, they did not at first assert their rights. Attempts were made by the United States Government to defend them; but this was soon seen to be impossible; and had they not presently learned to defend themselves, society must have perished in those states, in spite of the efforts of one of the most powerful governments in the world, and of a whole bookful of laws and penalties enacted by Congress. Fortunately for the country, the negroes soon learned their duty in this respect. Indeed, they presently became aggressive; and wherever it is understood that they have the courage to strike back, their persecutions have ceased.

28. It is only where the mass of the people resent the violation of law and order, and are prompt in coming to the help of the officers to enforce the laws and put down wrong-doers, that free government is secure. Where the people are careless, and submit readily to wrong, the law soon falls into dis-

repute, rights are invaded, and disorders are encouraged. Hence in a free community the citizens can not delegate to police or other law officers the *whole* duty of maintaining peace and order; they must hold themselves ready at all times to assist by their countenance, and if need be by their personal efforts, the officers whom they have charged with the execution of the laws. This does not imply the obligation or the right of citizens to take the law into their own hands; but that they must promptly insist on the proper officers doing their duty, and if need be help them, acting under their authority.

V.

OF SOME OTHER FUNCTIONS OF GOVERNMENT.

29. The primary and necessary functions of government are, as I told you in the last section, to maintain the peace and execute justice between the different members of society.

30. Under this head come the army, navy, police, and the conduct of official intercourse with foreign nations, and in our country with Indian tribes—whom we have always treated as foreign nations, by which course we have retarded their advance into civilization, and caused endless Indian wars and constant corruption.

31. But all civilized governments are charged with yet other duties, which, it has been found, they can perform, if not in a better yet in a more uniform and convenient manner than private citizens, and which are also incidentally of political importance. These duties are: to conduct the post-office—by which intercourse by letters, and the dissemination of printed information, is made uniformly easy and cheap all over the country; the public or free education of youth; the maintenance of a light-house system; the protection and improvement of harbors; a large body of scientific observations which require to be conducted systematically during a great number of years in order to be valuable; the survey of lands,

and the recording of deeds, which are the tokens of ownership in land; the care of the public health, and the prevention or abolition of nuisances, and quarantine or the means to keep out infectious diseases; the care of roads and bridges; and some others.

32. Some of these matters we leave to the Federal Government; others are assigned to the states; and others yet are deputed by these to the city and county governments.

33. I wish you to remember that private enterprise would probably perform all these offices as well, and many better than the government. For example, in California and Nevada, Wells-Fargo's express has for many years carried letters, because the public there believed that it would convey them more rapidly and securely than the post-office, and was willing to pay an extra rate for the security. But over the whole country it is doubtful if the mails would be delivered with the same general uniformity of speed and regularity and cheapness by private persons as by the government; and this is the legitimate excuse for the existence of the post-office.

34. Because we assign to the government some duties, therefore, which private citizens could and often would perform in a better manner than the government, this does not prove that the government ought to extend such operations and intrude into the great field of private enterprise. And yet, you must know, there is a constant tendency toward such extension. Thus it is maintained by some persons that the government ought to become a carrier of parcels, and thus assume the functions of an express company. Others wish it to take possession of the telegraph lines; yet others imagine that it ought to own and manage the railroads. Various reasons lead men to these notions—such as impatience under delays or inconveniences; disappointed business rivalries; hopes of gain by selling out at a large price to the government; a liking for grand operations, such as the government alone can carry on; and a vague and ignorant belief that the government can really transact business better than private persons.

35. I give you below the main reasons why a government

should be strictly confined to its proper functions, and why we should oppose all attempts to impose upon it other duties which lie outside of these: 1st. It would have to increase very greatly its staff of servants, which increases the patronage, which means the power of bribery, possessed by the rulers; and their means of corrupting the people, and thus encroaching upon our liberties. 2dly. It would greatly increase the amount of money to be handled by the government, and thus make the possession of power tempting to bad men, which is another means toward the corruption of the people. 3dly. It would make the people dependent, and deprive them of incentives to ingenuity and enterprise, and lead them to look to some power outside of themselves for the management of their daily lives. All these are serious evils; and if we had to choose, it would be far wiser to turn the post-office, roads, light-houses, the public education, and all other matters of that kind over to private enterprise, than to allow the government to assume still other functions, such as telegraphing and carrying express parcels, or managing the railroads.

36. It is of the utmost importance to the perpetuity of free government that the people should be left to do for themselves whatever they can, without the interference of the government. Free government is not, at any given time, the most convenient, as I shall show you further on; but it has this transcendent merit, that under it alone can abuses be cured without revolution or the disorganization of society. For instance, the people are just now agitated about the abuse of power by railroads. We shall remedy this class of evils, slowly no doubt, but surely, and without revolution; but in a despotic government the railroad question would perhaps upset the government; and it would at any rate become mixed up with the question of the existence of the government itself. We in the United States may not, at any time, have all the physical conveniences which we might have for a while if the government did every thing for us; but we have the means of peaceful progress; the certainty that we shall slowly but surely solve all the difficulties which press upon all civilized nations alike;

and solve them without revolution—which means, without permanent injury to society.

VI.

OF THE USEFULNESS AND THE INCONVENIENCE OF FREE GOVERNMENT.

37. What we call a free government, one in which the people rule, and in which much is left to the people, has therefore this extremely important advantage, that it forces them to be self-helpful; and obtains peaceful progress, not by the costly and after all ineffective interference of the government, but by the only permanent means, the determination of the people themselves. Thus government “of the people, for the people, and by the people,” educates a nation in courage, enterprise, a strong sense of duty, self-restraint, the habit of obeying law, and the capacity and readiness to act together for public ends. Free government is a school of all the manly virtues.

38. It works also another and equally important result: It maintains peace amid change, and allows the reform of evils without resort to revolution; because where the whole people take part in electing their rulers and law-makers, all feel equally bound by the laws at any time enacted, and if any feel these laws oppressive, they get patience from the knowledge that open discussion will in time bring its remedies. Under a despotic government wrongs can be righted only by violence and revolution. Under a free government like ours, all wrongs can be righted by argument. Hence the freest government is likely to be the most peaceable, orderly, and permanent.

39. Our own history, compared with the history of other nations, proves this to be true. We enjoyed unbroken peace at home for more than seventy-five years, from the acknowledgment of our independence to the year 1861, and in that time were engaged in but two insignificant foreign wars.

40. Moreover, the war of the rebellion could never have hap-

pened had the whole people of the Southern States been allowed to vote for or against secession and rebellion—had free government existed, that is to say, in those states. For that part of the people who were then slaves would have voted unanimously against secession; and with free and fair discussion—such as would have been had the negroes strengthened the Union vote—no state would have cast a majority for secession, least of all South Carolina, a majority of whose people were blacks.

41. Free government is troublesome to its citizens, because it imposes upon every man duties of a public nature, to which he must give time and intelligent thought. In the measure that all the people thus give up time and thought to their political duties, in the same degree will their government be justly and honestly administered. Gross selfishness, such as leads men to abandon their political and public duties, in order to devote their whole time and energies to their own affairs or pleasures, is therefore, as I have already several times pointed out to you, a disgraceful and dangerous vice in the citizen of a republic.

42. A despotism, like that from which France so long suffered, is easily endurable to the meaner kind of men, because it saves them from thought upon matters concerning the general welfare. A despotic ruler, moreover, is apt to attend carefully to the minor conveniences of the people: he provides public baths for them; regulates arbitrarily the price of provisions; prohibits monopolies—except those he himself enjoys; and in many ways does for them, wastefully, and with their money—for of course he has none of his own—what they ought to do and could do more cheaply for themselves. Meantime he thus makes them incapable of acting intelligently and effectively in great perils, disables them from remedying abuses, demoralizes them by encouraging their selfishness and love of pleasure, and thus prepares the way, logically, for some such great and disgraceful catastrophe as has left France humiliated, burdened with debt, with the loss of a large part of her territory, and, worse than all, with a population unfit for

self-government, after eighteen years of what a multitude of short-sighted people pronounced a "splendid reign."

43. A wise and beneficent despot may for a time greatly and rapidly increase the material welfare of a people; by his power to command obedience, he may, if he lives long enough, impose upon them new habits of thought and action, or even a different civilization; but it is always at the expense of qualities which are absolutely necessary to the life of a nation, and with the result of leaving his subjects unable to maintain the existence of society if the despotic head should be suddenly removed, or if the state should suffer serious attack from without. Doubtless the Incas greatly benefited the Peruvians, among whom they introduced some important arts of civilization. But under the despotic rule they established, a handful of Spaniards not only overthrew the government, but when they had conquered the rulers, the people, too long the subjects of despotism, lay prostrate at their feet, and, being subjugated, perished from the earth.

44. Thus nations, as well as individuals, need liberty and responsibility to make them strong. A boy who is coddled by his parents; who sits behind the stove in winter when others are playing in the snow; who lies late abed, and has his pockets full of candy; who must not go into the water until he can swim; and whose precious life and health are the objects of his own and his parents' incessant solicitude, may look with pity upon his neighbor, who runs about barefooted, gets up early to feed the cows, has few clothes and no candy, and must work for his food; but all human experience and history show that the hardier boy has by far the best chance of becoming a useful man, and making an honorable figure in the world. His early life has been full of inconveniences, and perhaps disagreeables; but the overcoming of these has hardened his frame, trained his will, strengthened the moral side of his nature, and prepared him thus to withstand trials and temptations under which his tenderly nurtured neighbor would sink.

45. I wish you to take notice that there are in every free

country a great many persons to whom the duties and responsibilities of citizenship are irksome ; and who, too ignorant or thoughtless to see the evil results of dependence on a government, seek to avoid temporary evils and inconveniences by delegating to the government greater powers, and seeking to establish it as a kind of earthly Providence, to guard their private affairs, and make their lives easier.

46. Thus we in this country do not yet know how best to manage our railroads ; and these powerful corporations in some cases have oppressed parts of our population. There are people who seek to cure this evil by making the Federal Government take possession of the railroads, or by making it build new lines. They would, to avoid a temporary inconvenience, put the transportation of products into the hands of the government ; forgetting that government does not transact even its legitimate work economically and efficiently, and that to put the vast business of transportation into its hands would be to corrupt it, to give it the means of corrupting and abusing the people ; to give to a bad ruler monstrous power, sure to be wickedly used ; and, after all, to secure no advantage which can not be got by other and safer means.

47. In like manner a persistent effort has been made to put the business of telegraphing into the hands of the Federal Government. Not only would the purchase of the present lines be very costly, and their management by the government most certainly less satisfactory than now, but this scheme would greatly increase the number of office-holders, and consequently the means of corrupting the people. What is of yet greater moment, it would give to the party in power entire control over the public news, and enable a weak or an unscrupulous ruler to poison the very sources of public opinion by giving false or partial reports of passing events, thus making the people incapable, in an important emergency, of forming a just opinion of the conduct or misconduct of their rulers.

48. In France, Napoleon went but one step further when he regulated the price of bread, and forced bakers to sell at a rate fixed by himself. No doubt it was a convenience to a poor

man to get his bread for less than it was worth, but it demoralized him, and helped to make him and the whole population incapable of independent and judicious political action.

49. In some of our cities the city governments own the market spaces where provisions are sold, as though there were any more reason for thus controlling the market for meat than for dry-goods. But these market-places which are owned by a city are generally filthy, shamefully mismanaged, and a source of political corruption; while those in private hands are clean and well-managed.

VII.

OF THE DIFFERENT PARTS OF A GOVERNMENT.

50. Government falls naturally into three different departments: That part which makes the laws; that which executes them, or carries them into effect; and that which administers justice, or interprets the laws between man and man.

51. In a rudely organized society or tribe, the chief or head man assumes all these functions: he gives orders, which are the laws; he enforces these orders; and he sits as judge in disputes between members of the tribe. Under any despotism, the ruler exercises the same powers as the chief of a tribe of savages; but necessarily he acts through agents, his favorites, who make life still less tolerable to the subjects.

52. In order to maintain a free or popular government, it is necessary that these powers shall be lodged in different hands; that the body which makes the laws shall have nothing to do with their enforcement; and that the judges shall be a body independent of both the legislative and the executive branches of the government. Where this division of powers is well established and carefully guarded, if at the same time the nation has sufficient intelligence and public spirit to hold the rulers it chooses to a strict account, a people's liberties are reasonably secure, and they are able to make their government as honest

and efficient as they please to have it. For at the elections they are able to remove those legislators who enacted bad laws, or that executive officer who carelessly or wickedly failed in the proper enforcement of the laws. Thus the people not only rule, but are easily able to distinguish where the fault of misgovernment lies, and to apply the remedy. In our own government, this great division of powers is very clearly made: in the Federal Government, Congress enacts the laws, but can not execute or enforce them; the President enforces the laws, but he does not make them; and the courts of the United States construe the Federal laws, and apply them in disputed cases.

There is a still further subdivision, which is of equal importance to good government, and which is called **DECENTRALIZATION**.

VIII.

OF DECENTRALIZATION.

53. It has been found advisable, by experience, to still further subdivide the powers necessarily intrusted to government; to limit the general, or, as it is usually called, the central government, to the performance of certain offices or duties which apply equally to all parts of the nation; and to confide other powers and duties, having only a local application, to subordinate, but in their sphere independent governments.

54. Thus, in our own system, the Federal Government at Washington exercises powers very strictly limited, leaving others to the state governments; and yet others to the county and even to the township governments.

55. This subdivision of power and authority is called **DECENTRALIZATION**; and experience has shown that this political device is of extreme importance, for two reasons: First, it is a powerful and the best means of training a people to efficient political action and the art of self-government; and, second, it presents constant and important barriers to the encroach-

ment of rulers upon the rights and liberties of the nation; every subdivision forming a stronghold of resistance by the people against unjust or wicked rulers.

56. Take notice that any system of government is excellent in the precise degree in which it naturally trains the people in political independence, and habituates them to take an active part in governing themselves. Whatever plan of government does this in a high degree is good—no matter what it may be called; that which avoids this is necessarily bad.

57. France has for many years been a glaring example of a most vicious system of government, and this under the so-called republic as well as under the empire, because her Republican rulers, as much as her emperors, rejected decentralization and local self-government, and adhered to a system of centralization, which made and makes liberty impossible. For in France the central government appoints all the local officers, and the condition there is as though the President of the United States should appoint not only the postmasters, revenue and law officers, who are properly a part of the Federal executive, but also the governors of the states, the mayors of cities, the supervisors of counties, and even the justices of the peace and local police. You do not need to think profoundly to see that independence and free government would be impossible under a system which thus removed the pettiest local officers from the censure and condemnation of their neighbors, and made them responsible only to the chief authority at Washington. The first time we had a bad man in the presidential chair he would be tempted by the favorable circumstances to play the part of Napoleon, and make himself master of the state. Nor could the people, without great difficulty, and probably revolution, resist him.

58. To make liberty secure, the powers and responsibilities of the executive ought to be plainly limited and defined; and ought to be such, and no greater, that even a bad man in the executive chair could not, during the term for which he is chosen, do serious detriment to the republic. For *constitutions are made to guard against bad officers, just as laws are made,*

not to interfere with the good, but to restrain the vicious and ignorant.

IX.

OF THE RESPONSIBILITY OF THE EXECUTIVE.

59. The executive is the head and ruler of the political community. He is so called because he executes or enforces the laws which the legislative body enacts. With us the President is the chief executive of the United States; the governor is the executive head of a state; and the mayor is, or ought to be, the executive head of a city.

60. Large powers are usually, and ought always to be, given to an executive or ruler; these powers should be, and in constitutional governments are, strictly limited; but within the limits fixed in the constitution the ruler should have the utmost discretion; for thus only can he be held responsible for faithfully executing the duties of his office. *Responsibility can never be greater than the authority given.* Thus you can see that to tell a general to win a battle, and leave him to make his own plans, is to fix upon him a large responsibility, because his authority is practically unlimited. But to order him to win a battle according to certain plans imposed on him by a council of war would be to cramp and limit his powers, and in the same measure to lessen his responsibility—for, if he were beaten, he might justly say that the plan of action in accordance with which he was compelled to fight was not the best, and that defeat was not his fault, but the fault of the council, which impaired his liberty of action; hence he would not probably exert himself to the utmost.

61. One of the most vicious and dangerous defects in a scheme of government, therefore, is a mixed and ill-defined responsibility. Thus if the executive is intrusted to two or more persons, confusion and corruption are sure to result, because it is then impossible to fix the blame for misconduct upon any one officer. A board or commission, as an executive

composed of a number of persons is called, is certain to be both inefficient and corrupt. This is because it is more difficult to bring several persons to a prompt decision than one; and because the blame for inefficiency or misconduct is shifted from one to the other, to the confusion of the public, which can not tell whom to punish.

62. It is another vicious defect to take away from the executive head the appointment of his subordinates, for he can not justly be held responsible for the conduct of persons selected by others than himself; and being deprived of what is of the essence of just authority, he is pretty certain to lose that strong interest in the conduct of affairs which he is compelled to feel when the eyes of the people are fixed upon him alone, and he in his single person is held responsible for the administration of the public business.

63. In a well-ordered free government, therefore, the executive head, being chosen for a specified time, and having duties and powers clearly defined and limited, ought to possess the power to appoint and remove his subordinates at will. In that case he can be justly held responsible by the people for the management of affairs.

64. In our own Federal Government, the Senate has an advisory power in regard to appointments made by the President (but none as to removals); and to that extent the Senate is a part of the executive. This power was given in the Constitution, because those who framed that instrument were more fearful of the tyranny of a despotic executive than of the worse, because less responsible, tyranny of a numerous body like the Senate; and believed it necessary to guard with especial care against usurpation of power by the President. If they lived at this day, they would probably wish to remove even this slight check upon the appointing power, because they would see that there is but little reason to fear an attack upon our liberties by the President, who has a limited time to serve, and may be impeached for misgovernment; while it becomes constantly more desirable to fix responsibility for misgovernment upon a single person, in order that the people may

more easily understand upon whom and how to visit the punishment.

65. During the administration of President Johnson, the Congress adopted a "tenure of office" law, which prohibited removals from office by the President without the consent of the Senate. The result was, however, not permanence in office, but the removal of many good officers who had fallen under the President's dislike, and the appointment in their places of incompetent men who were favorites of senators or representatives, and to get whom into place they persuaded the Senate to agree to removals. Thus the public service was debauched, and yet the President was able to say that he had the countenance of the Senate in this work; and blame could not be fastened upon him alone. A more wily and unscrupulous President than Mr. Johnson might have very gravely injured the public service under this law, and still managed to escape blame.

66. It is proper to repeat to you that *the powers and authority of the Executive under the Federal Constitution are so limited that even the worst man in that office can not, without exposing himself to impeachment and removal, cause serious harm to the republic during his term of office*; and that the unjust exercise of the powers which of right belong to him would make him so odious to the people that they would at the end of his term refuse to re-elect him. *The easiest way to defeat this proper result would be to place checks upon him, which would make him irresponsible for misgovernment in the eyes of the people.*

67. Most of our state constitutions and many city charters are faulty in this, that they deprive the chief executive of the power to appoint even his most important subordinates. This is done on the plea that the people, who are made to elect these subordinates, have thus greater power; but, as I shall show you farther on, this is a great mistake, and the cause of constant corruption in our local politics.

X.

OF POLITICAL PARTIES.

68. In a free state there are usually two political parties.

69. These have different names, but their motives are independent of names; and it may be said that one of the two great parties in a free state is composed of men who desire change, and the other of men who cling to that which is. As temperaments differ, so men are either Whigs or Democrats, Democrats or Republicans, according as their characters lead them to be conservative, dreading change even when it is for the better, or progressive, welcoming change even if it is for the worse.

70. There is, however, in every free state a third party, little heard of, without organization, which does not seek office, holds no meetings, and owns no banners. It holds the balance of power, and it silently decides the elections, and on the whole in the right way. This party is composed of the citizens who think for themselves, who look on at the strife little moved by partisan appeals, and on election day deposit their votes for the man or the policy which on the whole appears to them likely to best further the good of the state. This party is the terror of professional politicians, and often their confusion. The larger it is in any community, the better will public affairs be managed, for it is this party which punishes inefficiency, corruption, or maladministration of any kind, defeats the cancases and scratches tickets when corrupt men are nominated. It is to this party I wish you to belong, whether you are a Democrat or a Republican.

71. Party government is necessary in a free state. The organization of political parties is the only means by which the sense of the people can be got at elections upon questions of public policy; and by party government only can responsibil-

ity be fixed upon political leaders, so that these may receive approval or condemnation. A non-partisan government is the dream of weak and amiable men; it belongs to an ideal condition, in which all men shall be unselfish, and sincerely desirous of the public good. In the present condition of mankind, a non-partisan government—one in which both or all political party leaders should share—would be, and has been wherever it was tried, only an admirable and effective device to conceal corruption, because it becomes then the interest of the leaders of both parties to cover up wrong, both having their share of public plunder. Non-partisan boards were a favorite device of the New York City Ring.

72. A political party appeals to the citizens with what we call a platform, which means a statement of the policy it desires to see carried out. Necessarily it also nominates men to enforce this policy in case they are elected by the people.

73. If party leaders always declared their opinions and intentions openly and honestly, and if they nominated only their most capable men, the duty of the citizen would be very simple. But a political platform is often an ingenious jumble of words, intended to attract men of opposite sentiments, and naturally candidates nominated on such platforms are not likely to be men famous for positive principles. In such cases the citizen has to choose the least of two evils, and take comfort in the thought that a country is not badly off in which the people do not find it necessary to decide upon vital principles. It is quite certain that in a free government like ours inefficiency or corruption will be punished by the people just as soon as they become really dangerous to the nation. Reform of evils is a slow work in a free state; because the mass of the people are engrossed in their own affairs, and conservative in their habits of thought, which means that they dislike great and sudden changes, even if they appear to be improvements. This spirit is an admirable one: though often inconvenient and sometimes costly, it gives stability to political and social institutions; and *stability is a main condition of progress*. Thus the people of the United States came very

slowly to the opinion that slavery ought to be extirpated. A beneficent despot might have set the slaves free by a single mandate; but as he would have acted regardless of the opinions of the mass of the people, his edict would probably have caused a revolution, or at least grave and long-continued disorders; whereas, in our slow republican way, we discussed the question for thirty years; but when slavery struck at the national life, the nation presently consented to abolish the evil.

XI.

WHO VOTE, AND WHY.

74. Women, minors, paupers, and insane persons have in general no vote in the United States.

75. In some countries the electoral franchise, as the right to vote is called, is still further limited to persons who can read and write, or to persons possessing a specified amount of property, or paying a certain annual rent for the premises they occupy.

76. Property qualifications originally obtained in a number of our states, but they have gradually been abolished.

77. An educational qualification is proposed in some states, and will probably be adopted in many within the next few years. Where public or free schools are made accessible to the whole population, there would be no injustice in requiring that only those shall vote who can both read and write.

78. Minors, or persons under age, and paupers are not allowed to vote because they are dependent; and it is presumable that they would vote under coercion, and not according to their independent judgment. Moreover, a person incapable of managing his private business ought not to have a voice or influence in public affairs. It is probable that women have been denied the vote for the same reason—because the greater part of them are in a dependent condition; and the law has taken no note of exceptions in their case.

79. General manhood suffrage, which prevails in the United States, is required by justice, and is necessary to the perpetuation of peace in a community or nation. By his vote each man has his influence upon those affairs which are common to all the citizens; if he is outvoted, he is still satisfied, because it was his hope to outvote his opponents, and it is his hope to have the majority with him at another time.

80. It is sometimes urged that only those who possess property ought to be allowed to vote taxes and appropriations for public purposes. This proposition has an appearance of justice; but, besides being generally impracticable, it rests upon a wrong view of society. It supposes a degree of meanness and bad spirit in the poor, and of intelligence and liberality in the wealthy, which we do not find in actual life; and it would facilitate a division of men into classes, the poor arrayed against the rich, which, if it existed, would make free government almost if not quite impossible.

81. Suppose even that the poor were not only the most numerous, but also the least intelligent and the most selfish, which is not true: it is still a fact that the rich and intelligent possess great influence over their poorer neighbors, by reason of their greater means and knowledge, which it is their duty to use for the general good. Any regulation which would make it unnecessary for them to use this influence, or to take that part in political affairs which is necessary to give them their natural and just predominance (arising from the possession of wealth and intelligence), would be an injury to the commonwealth.

82. If general manhood suffrage any where leads the poor to vote money out of the pockets of the rich, wastefully, or for needless or corrupt purposes, the reason is that the rich have abdicated their proper place and influence in political society, and have selfishly given themselves to mere money-getting or a life of pleasure, by which they endanger not only themselves, but, what is of greater consequence, the stability of the community. It is an additional argument in favor of general suffrage if it compels the wealthy and intelligent, as an

act of unavoidable self-defense, to exercise that influence in political affairs which justly and naturally belongs to them; and if it reminds them that their prosperous fortunes bring with them duties and responsibilities.

83. Take notice that a free state or republic can not remain prosperous if the more fortunate of its citizens withdraw themselves from political duties to devote their lives to money-getting or to pleasure. Take notice, too, that when a rich man complains that his poorer neighbors—many of whom he probably employs—vote against his interest, you will find that he conducts himself toward them selfishly, and thus loses the influence which his wealth naturally gives him if he rightly uses it.

84. Under our system the states have the exclusive power of declaring, each for itself, which of the citizens shall vote; being prohibited only from excluding persons on account of race, color, or previous condition of slavery. They can not, however, give the franchise indiscriminately, for the Federal Government has the exclusive authority to declare who shall be citizens. But any state may adopt an educational or property franchise or condition, only making it equally applicable to all its citizens. The advisability of enacting an educational qualification for voters is now discussed in several states, and by many thoughtful persons, and will probably be generally adopted in time.

XII.

WHAT OFFICERS SHOULD NOT BE ELECTED.

85. *In order to enable the people to take an intelligent and real interest in politics, it is necessary that they shall have to elect but few persons.*

86. The persons who compose the law-making body ought to be elected, and at frequent intervals, in order that they may come fresh from the people, and know their will; also, the law-making body should be numerous, so that responsibility

may be more easily fixed upon each member by his constituents.

87. The executive head of the community, be he President, Governor, or Mayor, ought to be elected by the people, and probably at less frequent intervals than the legislative body, as our Federal Constitution provides, because thus the government gains in stability of purpose, without danger to liberty.

88. The judges ought in no case to be elected, but should be appointed for life or good behavior by the executive. Thus only can the majesty and dignity of the courts of justice be maintained. It is absurd and wicked to degrade a judge by forcing him to appeal to the voters for election; because justice has nothing to do with political parties, and ought to be beyond the influence of partisan strife. A court does not deal with policies, but with principles.

89. It is sometimes urged that a President or Governor or Mayor may appoint an improper person as judge; and this is true; but even a bad man, placed for life in an exalted and *entirely independent* position, is likely to conduct himself well; and an executive officer, though he might make a careless or bad appointment to a temporary office, will think twice before he selects for a life office, and one so important as a judgeship, a man whose career, if it should be disgraceful, would be a constant reproach to him who created him judge.

90. *The officers subordinate to the executive ought not to be elected, but appointed by their chief.* Otherwise there is confusion in the government, because chief and subordinates deriving their authority from the same source, election, there arises necessarily division of responsibility, and the public business is left undone or is corruptly done.

91. The provisions of our Federal Constitution are very wise upon this point. The President may appoint and remove even so low a grade of officers as postmasters and minor revenue officers. It has sometimes been proposed to make the place of Postmaster elective—but to do so would be to make these officers irresponsible; and as the President could not remove them for incompetency or corruption, because

they would hold their places independently of him, and from the same source which gave him his, you can easily see that the Post-office Department would be exposed to the grossest mismanagement, without the possibility of a remedy.

92. What is true of this is true of all the executive departments. No officers charged with enforcing the laws ought to be elected, because they would thus be independent of their chief, be he President, Governor, or Mayor. The business of a government does not differ in this respect from that of a merchant or a railroad company; and no merchant could successfully conduct his business if his clerks, book-keeper, and porters were appointed and removable, not by himself, but by his customers.

93. But in many of our states this blunder is made; and the people are obliged to elect many minor executive officers, and even those persons who form the cabinet of the Governor; and, as though to breed the extreme of confusion, in New York and some other states these subordinate officers are chosen at different times from their nominal chief, and are thus not merely independent of his will, but often his political opponents, disagreeing with his policy, and naturally inclined to make him inefficient by opposing or carelessly carrying out his orders.

94. This foolish system makes government difficult, favors corruption, and screens inefficiency, because it divides responsibility among many persons; and it is the cause of almost all the misgovernment from which so many of our states and cities have suffered and are still suffering.

95. It seems to have been the device of ingenious political demagogues, helped, as these usually are, by well-meaning but ignorant people, who were taken with the plausible appeal that to make the people elect all their officers would be to give them more power over public affairs. So long as it is tolerated in any part of our political system, so long the baser sort of politicians will continue to impose their "slates" upon the voters, disable these from exercising an intelligent control over their rulers, and make government a mockery

96. For the people, busy with their own affairs, have not leisure to scrutinize the characters of a number of candidates presented to them on the same ticket; the press, occupied with a great variety of public interests and questions, is equally disabled. Every man, of perhaps a dozen, on a ticket, uses his influence to elect all the others, bad and good, as well as himself, and thus the popular vote is stultified. See how different is the case in a presidential election. Then the people are asked to vote for but three persons—the President, Vice-President, and a Member of Congress; and the character, abilities, political principles, and history of these three individuals receive the closest scrutiny from the press and public speakers during the canvass, so that every fault or evidence of unfitness is brought to light, and the people have a fair chance to vote intelligently.

97. Only the chief executive officer, in any system, ought to be elected by the people; and upon him should be placed the grave responsibility of selecting the subordinates by whose help he is to carry on the public business. If then he fail, he and his party may fairly be held responsible by the people, and punished at the next election.

XIII.

OF POLITICAL CONSTITUTIONS.

98. A political Constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described, and by which they are fixed.

99. *The chief object of a constitution is to limit the power of majorities.*

100. A moment's reflection will tell you that mere majority rule, unlimited, would be the most grinding of tyrannies; the minority at any time would be mere slaves, whose rights to life, property, and comfort no one who chose to join the majority would be bound to respect.

101. It is the object of constitutions to protect minorities in certain common rights, and to restrain the power of majorities, who may do, or enact, or cause to be done, only what in any case the Constitution permits; and have no right, no matter how numerically strong they may be, to invade the minority in those rights which the Constitution secures to all the citizens.

102. Out of this thought grow all the provisions of a political Constitution—as, for instance, under our own, no majority can deprive a criminal of trial by jury, or elect its candidates for longer than a prescribed term, or deprive the minority of life or property by unequal laws, or enact laws contrary to the provisions or outside of the limitations of the Constitution.

103. It is a merit in any constitution to be brief, and to state only general rules or principles, to be applied practically by the law-making power; because thus this instrument, which ought to be but rarely and cautiously altered, is more elastic, and more easily applied to changing circumstances, and to a great variety of life. It is the proper function of a constitution, for instance, to declare the term during which a President, a Member of Congress, or a Governor shall hold office, for that may and ought to be a permanent regulation; but it would be an error to fix in the constitution the amount of salary either ought to receive; or even to prohibit the re-election of an officer, for circumstances may occur making it expedient to re-elect. For instance, had the so-called “one-term principle,” which is not a principle at all, but a mere foolish expedient, been incorporated in our Constitution, we should not have re-elected Mr. Lincoln in 1864, an event which did more than any battle to bring the war to an end, by convincing the Southern people that the Federal policy would not suffer change. It has become a tradition having the force of a Constitutional provision that the President shall not be chosen for a third term. The example set by General Washington, in this respect, is likely to be followed; for if any President desired a third term, this would be plain

proof of inordinate and dangerous ambition in him, rendering him unfit for the office ; and if in such a case a President used the power of his patronage to procure a nomination, it would be wise to vote against him at every hazard. But it is a proper constitutional regulation that salaries shall not be increased or diminished during the term of the incumbent ; for a salary is in the nature of a contract, and ought to be beyond the reach of increase from corruption, or diminution from party malevolence. It is proper that the Constitution should prohibit human slavery ; but it is better to declare by laws not only the penalties for smuggling, theft, etc., but also what constitutes these and other crimes—except treason, which, being a purely political offense, its definition ought to be immutably fixed, as it is in our Federal Constitution, and not left to the political passions of any period. But even here Congress, in the Constitution, is wisely charged to declare the penalty of treason. Again, it is proper that the Constitution should create a Supreme Court, as ours does ; but it would be unwise that it should also fix the number or location of minor courts, because as the country grows these may have to be increased ; and accordingly our Constitution leaves Congress to establish these minor courts.

XIV.

OF THE LEGISLATIVE OR LAW-MAKING BRANCH.

104. Legislative bodies have usually two Houses, as in our Congress and state Legislatures. In the Federal Congress, the Senators are chosen by the Legislatures of the different states, and are supposed to represent the states, while the representatives are chosen directly by the people in districts.

105. *Action in a law-making body means change ; and laws ought to be changed seldom, and never without full discussion and consideration.*

106. All the arrangements of modern legislative bodies in

free nations are wisely made to secure these ends. Thus we have two Houses, each of which must separately discuss and agree to a bill before it can become a law; one of those Houses chosen by a different set of electors or for a longer term than the other; the executive veto—which, bear in mind, is solely to ask the two Houses to reconsider their bill, and not at all to obstruct or abrogate the law—for when it once becomes a law in spite of his veto, the executive is bound to enforce it. To the same end are all the Parliamentary rules and forms which cause delay in the passage of new laws.

107. All these are wholesome and necessary checks on the law-making power. It is therefore a great blunder to accuse Congress or a state Legislature, as inconsiderate people sometimes do, of “wasting time in debate.” A representative body is never so usefully employed as when engaged in discussing the measures before it; and it is never so dangerous to the people as when the majority are strong enough to prevent debate, and pass laws by the mere overwhelming force of votes; because laws so passed, without discussion—which means examination—are likely to be unwise.

108. Another reproach which is sometimes cast at our legislative bodies is that the ablest men are not chosen to seats. But our Congress and Legislatures do not pretend to be collections of the ablest men in the nation. They are *representative* bodies; and the delegates are supposed to represent the constituencies. Of course you are to understand that a representative is not a mere delegate to utter the voice of his constituents. He is sent to exercise his independent judgment on pending questions, and not to record what their whims or temporary passions may dictate. He is their wise man, and not their slave. If the people of any district East or West send an unfit or dishonest person, that is their risk: they leave themselves without influence in the House. Our Congress does not contain the most brilliant men in the nation, nor *all* the ablest men; but it has a great body of solid ability always; and it is the better for containing little genius.

109. Any one who is familiar with Washington or our state

capitals knows that constituencies gain immensely in political power by sending able men as delegates, and lose when they send demagogues; and also that the influence of a political district may be very much increased by keeping the same man a long time in its service. But if the people in any district or state choose, negligently or perversely, to send only inexperienced or incapable men, that is their business and their loss. Remember always that ours is a *representative* government, and not a government of the ablest men; and that if there is any where a constituency composed mainly of foolish or ignorant or misguided people, they have a right to be heard, and their folly is likely to be the sooner exploded if it is officially displayed in Congress, and there subjected to the fire of open criticism.

XV.

OF TOWN MEETINGS.

110. A town, or township, is the smallest political subdivision we recognize. The school district is only to regulate the free school. The wards in cities are the equivalents of the townships in the country.

111. When the people of a town (or township, as they say in most of the states) meet together annually to discuss the affairs of their township, to elect its officers, appropriate the money required to carry on its affairs, criticise what has been done or left undone in the past year, and to declare, after discussion, what shall be done or left undone in its local concerns during the year to come—that is a Town Meeting.

112. In such a place each citizen has opportunity to bring up such suggestions as he pleases, recommending them with his best ability; there alone the people act directly, and not by delegates; and by this democratic parliament the local affairs of the township—its roads, schools, police, health—can and will be the most efficiently and economically managed.

113. The town meetings have been called the nurseries of free government, because in them the people learn the art of self-government; public spirit is developed, because each citizen may exercise a direct influence upon affairs with which he is familiar; men become skilled in debate, and, what is more important, learn to submit quietly to the majority when that happens to decide against their wishes. In those states where town meetings are held, they have always had an important influence upon the political character of the population. Unfortunately in most of our states the town meeting is unknown or has fallen into disuse, and the powers which it ought to exercise are scattered among county and district officers, to the destruction of one of our most important political organizations.

XVI.

OF EDUCATION.

114. A certain degree of intelligence is necessary to make a man a good citizen of a free state. Experience has proved that an elementary education is very helpful to any one in acquiring this degree of intelligence; though, pray remark, it is not absolutely essential nor absolutely effective in all cases—for both you and I know a man who can neither read nor write, but whose good sense and sound judgment make him a very admirable citizen; and I have known a number of persons whom even an academic or college education has not made his equals. Bear in mind therefore that what we call education is not the equivalent of intelligence, but only a very helpful means to it.

115. An elementary education, also, is absolutely necessary in these days to enable a man to serve successfully in any but the very lowest occupations, and its general diffusion is therefore a means to increase the prosperity of a community, and to prevent pauperism as well as crime.

116. Hence the necessity of schools, and the justification of

free or public schools. Such a school, maintained and inspected by the state, is not a charitable but a political institution, in the broadest sense. *It is to the interest of all the citizens that every child in the state shall have so much education as shall enable it to comprehend our political institutions, and to follow intelligently some useful industry.* That much the state, in the common interest, ought to provide free of charge for all. A child which at fourteen or fifteen has been thoroughly drilled in reading, writing, arithmetic, drawing, and the simpler parts of physical geography, and if possible musical notation, is fitted either to begin to learn a trade, or, if its parents desire, to enter a higher school or academy for further studies. It is not required for the safety or welfare of the state that all the children shall be trained or prepared for professional or business life.

117. A compulsory school law ought to include the children of the wealthy as well as those of the poor; and it ought to compel attendance during four years—say from ten to fourteen. The free schools serve an important political use by bringing all the children of the community together in a way which makes citizens of all classes know each other, and thus prevents that alienation of the less from the more prosperous, which is a grave danger to free government.

118. It has been found very difficult, in most of our states which have attempted it, to enforce compulsory school attendance under a general law; and this is one of the cases, of which I shall speak to you farther on, where it is wiser to allow the people of a county or town or school district to decide; letting each minor locality determine for itself whether or not it will compel attendance at school. The question is new to most of our people; and a compulsory law is not likely to be enforced until its importance is more generally felt. Again, in the Southern States, prejudice of race would make a law or regulation compelling the attendance of white and black children in the same schools hateful to the whites and painful to the colored children; and such a law would therefore be highly unwise, and is not likely to be adopted very soon by

any of those states. Yet the white people of the Southern States would act most unwisely did they neglect or refuse to provide free schools for the colored children. For to allow any child, colored or white, to go without a common-school education is a costly blunder; because such neglect will increase crime and pauperism—both of which cost the tax-payers dear.

XVII.

OF TAXES.

119. The tax is what the citizen pays out of his earnings or wealth, or both, to defray the necessary cost of protecting his life and property—to enable him to produce, accumulate, and exchange with security and convenience, without devoting a part of his time and strength to the labor of defending himself and guarding his accumulations against robbers.

120. This general defense of the lives and property of all we delegate to governments; and it results that when a government levies taxes, and yet fails to make the life and property of every individual secure, it fails of its duty, and robs the tax-payer.

121. Free government is the best, because under it the people are able constantly to hold their government responsible, and force its officers to fulfill their duties, and to conduct affairs economically; or, if they fail, to remove them and put more capable men in their places.

122. We delegate to the government—federal, state, city, or county—also some other duties besides that of protecting us in life and property, as I have before told you: such as carrying the mails, building and repairing roads, the survey of lands, the improvement of harbors, etc. To defray the cost of these undertakings we must pay also a general contribution, which is improperly called a tax. It is in fact an assessment, upon each person, for an improvement in the benefits of which he shares; and for this assessment he therefore gets some return in con-

veniences. Many things which we thus delegate to governments or public authorities might be better or more cheaply done by associated private effort. For instance, toll-roads made and kept in order by private corporations are almost always in better order than county or other public roads; and as only those pay toll who use them, the tax or assessment thus laid is more just and equal than one laid on property in general, where the poor are very apt to pay more than their share.

123. But all taxes imposed to defray the cost of preserving the peace, protecting life and property, dispensing justice, and punishing criminals, are loss. They are so much taken from the wealth or accumulated savings of a nation and flung into the fire. If all men were honest, peaceable, and just, there would be no need of governments, there would be no taxes, and there would be, therefore, the more wealth, and, of course, the more comfort and enjoyment in the world for all. Every thief, burglar, robber, murderer, every avaricious, grasping, unjust man, in the community, makes it the poorer, and takes something from the comfort of every honest man.

124. Hence the importance that every man shall be a good citizen, just to his fellows, and honest in all his dealings; hence, too, the importance of general education, which tends toward virtuous conduct, because it better enables men to get an honest living; of just, equal, and stable laws, because these tend to make men just and honest, by removing from them temptations to greed and dishonest gains. For these taxes are the costly penalties of vice, ignorance, and selfishness.

125. Taxes are either direct or indirect, and it may be said that direct taxes are those exacted directly from the consumer, and indirect those paid by the producer, middle-man, or exchanger, who adds them to the price he exacts from the consumers, who thus pay indirectly.

126. Bear in mind that *all taxes are paid by the consumer or user*, in the end.

127. Direct taxes are those laid on real estate and on personal property in actual use, on incomes, and on polls or heads.

Our state and other local revenues are all raised by direct taxation.

128. Indirect taxes are duties on goods imported, or on goods manufactured for sale at home; in the last case they are called excises. But you easily see that the merchant who imports goods, or the manufacturer at home, does not submit to the loss of the amount of tax he pays. He makes it in either case a charge upon his goods, and adds it to their price. Not only that, but as he must take the risk of loss by fire or other accident, or by falling prices or a lack of market after the duty or excise is paid, he adds a percentage to the price to cover these risks; for he knows that the government will not return him the taxes he has paid, no matter if he should entirely lose his goods the day after he had paid the tax or duty upon them.

129. Hence indirect taxes are less economical than direct taxes; they inflict more loss upon the consumer compared with the amount of revenue raised. But because indirect taxes are paid by the consumer with other payments, in small and often insignificant amounts at a time, and without the intervention of that universally hated personage the tax-gatherer, this mode of raising revenue has always been a favorite with the people; and because an indirect tax is thus collected with less friction, and can be increased secretly, as it were, and without its effect being so immediately and plainly felt by each individual tax-payer, it has always been a favorite with governments.

130. The revenues of the Federal Government are almost entirely derived from indirect taxes.

131. As these are difficult of adjustment and complicated, their arrangement almost always gives opportunity to selfish and scheming persons to impose upon Congress, and get it to favor their pursuits either by exemption where a tax should be laid, or by laying a tax where the general interest requires none; or finally, by inducing Congress to change the duty or tax, either raising or lowering it, by which change manufacturers or importers or speculators may make extraordinary

gains. Thus a tax system, whose only proper end is to raise a certain amount of revenue for the government, is often misapplied to providing a bounty for certain favored pursuits, or enabling influential speculators to make unjust gains at the cost of the mass of the people.

132. In spite of these abuses, however, it is probable that indirect taxation will remain a favorite means of raising revenue in all countries for a long time to come; and the citizens have no remedy against its abuse, except to insist upon the sound and indisputable principle that the sole proper purpose of taxation is to raise the revenue required by the government; and to hold legislators to a strict account in this matter.

XVIII.

OF PUBLIC DEBTS AND SINKING FUNDS.

133. It happens, too frequently, that the taxes paid by a community do not suffice to pay the expenses which are incurred by it; and in that case the community, as a corporation, borrows money. Thus arise national debts, state debts, county debts, city debts.

134. Our national debt was incurred during the late great war, and therefore for a necessary end. The cost of carrying on the war to maintain the Union was so great that it could not, without ruining industry and oppressing the people, be paid out of the taxes. Hence the Federal Government borrowed vast sums of money. This was done by a process called "selling bonds."

135. A government "bond" is simply a certificate that the government which issues it owes the holder of the bond a sum mentioned on its face, with interest at a rate specified, payable at fixed periods; the principal or sum of the bond being also payable at a fixed time. Instead of sending agents around to borrow money, it is more convenient for a government or a railroad or other corporation to prepare such bonds, and there-

upon offer them for sale. You may see frequently in the advertising columns of newspapers, state, city, county, and railroad bonds thus offered, the advertisement calling for bids for such bonds, which are, in effect, put up at public auction.

136. The rate of interest named in such bonds is usually low; but if there are a great many bonds offered, or it is known that the supply must be great, or the security—which is the stability or good faith of the government or other corporation—is doubtful, it can hope to receive only some sum for its bonds less than the sum which these promise to pay. People deal with governments in such matters precisely as they do with individuals. Thus, the Federal Government having to borrow constantly enormous sums during the war, its bonds fell considerably below *par*; to that rate, in fact, at which shrewd business men here and abroad were tempted to take the risk of their ultimate payment. As soon as the war closed, and indeed before, when our success was seen to be assured, the bonds rose in value—because they became a more desirable, that is to say, a more secure investment to people who had money to put out at interest. Wealthy men in Europe, where the rate of interest is lower than with us, bought constantly increasing quantities of them. And as the interest has been regularly paid, and the world generally believes us honest, we have been of late able to call in many six per cent. bonds, and borrow money at five per cent. to pay them off.

137. The security for a national or state debt is the honesty of its people. The sheriff, who is the official collector of debts, can not levy upon a nation, nor upon a state. All private corporations, such as railroads, can be sold out; their bonds are true mortgage bonds, whose owners can foreclose and sell out the property pledged as security for their payment.

138. If you owe so much money that to pay the interest on it requires the greater part of your income, you will readily comprehend that this might be a serious embarrassment to you. It would make you poor, even if you had a large income. A private person in such a dilemma, if he has property, usually sells some of this, to pay off his debt or a part of it; if he has

little or no property and is hopelessly in debt, he becomes a bankrupt, and on surrendering all that he has to his creditors, his debt is canceled under the operation of the bankrupt law. But a nation or a municipal corporation has no property to sell or to surrender to its creditors; it can not take the benefit of the bankrupt act. It must pay.

139. But the interest it pays is drawn from the people by taxation. A heavy debt therefore necessarily increases the taxes; and these may become so burdensome as to cripple the industry and energy of a people. You see therefore the folly of the assertion which used to be made by some people during the war that "a national debt is a national blessing." A debt is never a blessing, any more than a lame foot or a curvature of the spine. You see also the fallacy of the assertion which is sometimes heard that what we borrow abroad does not cripple us. On the contrary we have to send money or products abroad, to pay both principal and interest of our foreign indebtedness, and this is of course a tax upon our resources.

140. A sinking fund is a contrivance invented by a great English minister, William Pitt, as an additional security for the repayment of a national debt.

141. It is not uncommon, when a nation makes a loan, to set apart a special portion of its revenue or income for the repayment of this loan. Thus the Federal Government has pledged so much of its revenue from customs as is necessary to pay the interest on its debt.

142. By the establishment of a sinking fund, another part of the revenue is set aside annually to pay also the principal, when that shall become due. The sum so set apart is put at interest, and this interest is again invested, and thus compounded. Money at compound interest at six per cent. doubles itself in about twelve years; and thus you see that in time a sinking fund may be made, out of a small beginning, to pay off a large debt.

143. Modern financiers, however, discourage sinking funds by governments; because it has been found that the sums

thus accumulated are sometimes used for current expenses, in a national emergency; and thus the nation has been taxed beforehand to supply, perhaps, a wasteful ruler with means for profuse expenditure.

144. The book-keeping of nations and states is often complicated by different accounts and sinking funds. It ought to be plain and clear, so that every citizen could at a glance see the real state of the finances.

XIX.

OF PROPERTY.

145. Whatever you earn or produce or create by your labor or ingenuity or forethought, or all combined, is your property; it belongs to you, because you have taken the trouble to produce it; and you have the right to do with it what you will. You may, for instance, consume or waste it all.

146. If you produce more than you consume, what remains over is still your own, your property, to which you have the exclusive right against other persons. This surplus which remains over in your hands is called capital. Thus if you have saved enough from your product to buy yourself a spade, or a chest of tools, or a plow and span of horses, these articles are properly capital, and their possession constitutes you to that degree a capitalist. Ignorant persons misuse this word, and imagine a capitalist to be one who has accumulated some vague but large amount of property. I want you to understand that this is a foolish limitation of the meaning of this word.

147. Capital might be called the net profit of labor, if it were not that, in order to its existence, another element than labor is required, namely, self-denial or economy. For it is possible for a man to destroy, by consumption or waste, or both, all that he earns or produces; and a considerable part of mankind do actually live in this way—from hand to mouth, as we say.

148. Industry and economy united are therefore required, as you see, to accumulate that surplus which we call capital; and as both these are voluntary and irksome exercises: *as you deny yourself both when you engage in productive labor and when you refrain from consuming or wasting what you have produced, it follows that no other person can have so good a claim on your surplus as yourself.*

149. In a rude or savage society, a man who wished to accumulate property had not only to labor to create it, and to exercise self-denial to save it, but he had to devote a considerable part of his time and strength to defending his possessions as well as his life against others. To save this last necessity, society and governments exist, their use being to make life and property secure against attack; and by a general co-operation and contribution of efforts or of means to overawe and punish depredators. Armies, navies, the police, the courts, and the body of laws in obedience to which all these act in a free state, are simply means for the protection of life and property at a cheaper rate and in a more effective manner than could be done by individual efforts; and every nation is therefore, in this respect, only a great co-operative association, in which each member contributes somewhat from his accumulations or earnings to pay the charges for preserving the rest. It is only by thus delegating the power of protection to a few members of society that the remainder can get time to produce sufficient for consumption and a surplus—which surplus we call wealth or capital. *And it is only where this protection is effective that men are encouraged to the labor and self-denial necessary to create property or wealth.*

150. I want you to fix firmly in your mind that every dollar's worth of property or wealth in the world is a dollar's worth of proof that somebody at some time did not only labor to produce it, but denied himself some pleasure or comfort in order to save it. For though God gave us the soil, the seasons, rain, and many other means of production—just as he gave us our hands, strength, and brain—these are in themselves not wealth. The gold lay in California for cent-

uries, and was useless and worthless until man's labor dug it out; and in like manner every natural product is worthless until the labor of man is applied to it. For instance, the plains of California might be covered with wheat; but, unless it was harvested, it would be worthless. You may say that cattle would eat it; but unless the cattle were afterwards caught and slain, and their hides and meat preserved by the labor of men, they would be worthless; and if, being caught, they were wastefully shot and left to rot, no surplus or capital would be saved.

151. Remember, too, that what we call the wealth of a nation is only the aggregate wealth of its members, and represents the results of their industry and self-denial. To increase this wealth, therefore, a people must both labor and save; and to be encouraged in these irksome duties, they must feel themselves secure in the enjoyment of what they produce and accumulate. Every thing, therefore, which makes property less secure, which exposes it not merely to open attack by predatory men, but to loss by bad laws, or by inefficient or corrupt rulers, weakens the spirit of accumulation.

152. But to maintain civilization, great accumulated wealth and an active desire by the people to accumulate more are absolutely necessary. If you will try to imagine a nation whose members have accumulated no property, you will see that to them civilization is impossible, even if they desired it. For such a people would have neither houses, cattle, nor tools—all of which are accumulated wealth or capital, to possess which men must previously have labored and denied themselves. But you must see that such a civilization as ours requires much more than houses, cattle, and tools. We have schools, shops, factories, roads, railroads, steamboats, telegraphs, and a great multitude of other things, to possess any one of which we must have accumulated, previous to their construction, property or wealth enough by our labor and self-denial to pay their cost. A nation whose members had accumulated no property, and who consequently lived from hand to mouth, could not afford to build a railroad or a factory or

a school-house ; each person would be busy providing food for himself ; and no laboring force could be diverted to these other objects, because no means or capital would be at hand to support such a force while it was laying a stone wall or rolling a rail, which at the close of the day they could neither eat nor clothe themselves with.

153. Nor, if accumulation should at any time cease, could civilization continue ; because in such a case the wealth already accumulated would quickly be spent, and the nation would be left without the means to maintain its instruments of civilization. If, for instance, the Californians had unanimously determined to dig out all the gold in their mountains, and confine themselves rigidly to that industry alone, or if California had been a sterile desert, yielding only gold, when the mines gave out they would have had to abandon the country, and leave it once more to become a desert. As production and accumulation ceased, civilization would have fled the state. But as the land is fertile and the settlers turned also to agriculture, they used natural resources which, unlike gold mines, never fail ; and the accumulation of wealth went on when gold ceased to be abundant.

XX.

OF MONEY.

154. But to encourage production and facilitate accumulation, something besides security of property is required. Each man can not produce all the articles he needs for comfort and enjoyment, because many things which he desires can not be produced in the climate or on the soil where he lives. Moreover, he can work to much greater advantage, produce more easily, and accumulate more rapidly, if he confines himself to one or a few articles of production. If you are a carpenter and I a shoemaker, it would plainly be an advantage to both of us, I wanting a house, and you shoes for

your family, if we agreed that you would build me the house, and I should make you a certain number of shoes. This kind of exchange is called barter.

155. Imagine now a tribe or nation to whom barter is unknown, but who have learned to accumulate property. Each family aims to provide all it needs by its own labor; and whatever its surplus may be it stores away. You will see the monstrous inconvenience of such a condition, because the surplus may be perishable. But, what is far more serious, *such a surplus could have no value*; for unless it could be sold, which means exchanged for some other articles giving comfort or enjoyment, it would simply accumulate, and in time rot. That is to say, *unless you can exchange your surplus for something else, it is absolutely worthless*.

156. Fix clearly in your mind, therefore, that to establish industry and self-denial, which means to make civilization possible, it is necessary, first, that property shall be secure; and, second, that the possessors of property shall be able freely to exchange it for other articles which they desire; and that *if you take away the possibility of exchange, production will cease*.

157. If you had hides and I coffee, you might, if you could find me, give me hides for my coffee; and thus both of us would be benefited and pleased. We should, however, first be at the trouble of finding each other, and would probably waste much time in this pursuit, which would be so much taken from the production of other hides and coffee. If now a third person should appear, ready to carry your hides to me, and bring back to you my coffee, plainly that would be an advantage to both of us, who could go on in the pursuits in which we had most skill, and in which therefore we could produce the most.

158. This third person is called a merchant, and his business is commerce. For his trouble we should both be ready to pay him a share of our products, because by using his labor and skill we are enabled to produce a greater quantity.

159. But how am I to be sure that the merchant to whom

I intrust my coffee is honest, and that he will really bring me back hides? He may be a rogue. To smooth the way and make us both secure, we have an ingenious contrivance called MONEY, the precise nature of which it is very important that you should understand.

160. If the merchant who offers to exchange for us our hides and coffee can leave with us, as a pledge of his honesty, something which either of us will accept of the other as really valuable, and equally valuable with our products, we shall of course be satisfied. For if the merchant should disappear with your hides, you would still have that with which you could buy my coffee.

161. Take another example: If you are a shoemaker, it is necessary for you to receive for your shoes either the actual articles you need to consume, or something which will buy these. You may be willing to accept for shoes an order on the farmer for oats and butter, another on the miller for flour, another on the tailor for clothing, another on the hatter for hats. But your great object has been to have at the end of all these transactions a number of shoes for which you need no article which is at once to be consumed by you or your family. These surplus shoes, the result of labor and self-denial, are your capital. What will you take for them? Not an order for more butter, oats, flour, clothes, hats—for your shoes will keep as well or better than any of these articles. Yet they are cumbrous; rats may eat them; a damp storage-place may spoil them; fire may destroy them; in course of time they would rot; and a new fashion in shoes may meantime make them unsalable. If you could get for your surplus shoes something which had real and universal value, and which yet should not be cumbrous or easily destroyed, or subject to loss by change of fashion, you would evidently be benefited.

162. This something is gold and silver, two metals whose peculiarity is that their rarity, the cost of obtaining them from the mines, and their wide use for ornamental purposes, give them a fixed value all over the civilized world, and

which are not cumbrous nor easily destroyed. A hundred dollars' worth of shoes require a storehouse, with guards against dampness, fire, and rats. A hundred dollars' worth of gold or silver you can lay away on a shelf, or, if necessary, carry in a bag.

163. Still, if you were going to exchange your shoes for gold or silver, you would have to assay it, to ascertain its purity, and to weigh it, that you should be sure of getting the proper quantity and purity. To save you and all of us these time-wasting labors, governments undertake the trouble of coining. This means that the government, at a mint, assays the gold and silver, purifies them, and by a mark on each coin denotes its fineness and weight. That is to say, *it certifies that a silver dollar, or a gold five-dollar piece, really contains a dollar's worth of silver or five dollars' worth of gold.*

164. It follows that a gold or silver dollar is an object having a real value. If you choose to melt it, you can sell the gold or silver in it for a dollar. If you give it in exchange for a dinner, you do not swindle the tavern-keeper.

165. The government, having for the general convenience and economy coined the money or certified its value, may rightly, for the same end, punish false coiners or counterfeiters; and it may declare that its coinage shall be accepted by all the citizens in their transactions at the weight and purity which it has certified—which is called making it a "legal tender." This is in order that no man shall put his neighbor to trouble, in making payments, by disputing these qualities of the coin.

166. But it is evident that this does not give the government a right to debase the coinage, by certifying that to be a dollar which contains less than a dollar's worth of gold or silver, for this would be to cheat the people; still less can it affix arbitrary denominations to things, as pieces of birch-bark, or of paper, and command them to be accepted as money, or make them a legal tender as we say, for this would be to authorize one citizen to swindle another. *All that the government does in coining is for the general convenience to de-*

clare the purity and certify the actual weight of a piece of metal.

167. Since the great gold discoveries in California and Australia, gold has been more exclusively used for money than formerly ; and in several countries, our own among the number, silver coins have been struck worth a trifle less than their face or denomination, the object being to prevent waste from melting and recoinage. Such coins are called "tokens," and are used only for convenience as "small change."

XXI.

OF LABOR AND CAPITAL.

168. The spirit of accumulation—of industry and self-denial—being once aroused in a people, and encouraged by their security in the enjoyment of property, and facility in exchanging their surplus products, which gives them value, it is clear, considering the difference in men—some being weak of body, less persistent, less ingenious, or less self-denying than others—that inevitably some will accumulate less property than others ; and that many will, in fact, accumulate nothing, but consume all they produce, and as fast as they produce it.

169. But in many emergencies of a man's life it is absolutely necessary that he shall have some surplus to start with. Take as an instance the gold-hunters in the early days of California. A multitude of men rushed to the rich placer diggings, hopeful of speedy fortune ; but a large part of them presently discovered that they must eat and drink, and be clothed and sheltered, while they looked for and dug out gold ; and not having a surplus sufficient to provide themselves with food, clothing, and shelter in this emergency, what should they do ? Die ? No ; a man who found himself in that situation sought out another who had a surplus, and said to him, Give me food, clothing, and shelter, or the means of getting these, and I will give you my strength and skill, until

I have saved by self-denial a surplus sufficient to enable me to prospect and dig on my own account. That is to say, he became a laborer for hire, or wages.

170. Suppose now he could have found no one thus ready to hire him and pay him wages? Suppose every man who had a surplus (this surplus being capital) had laid it away in a strong box, and refused to use it in paying wages for the labor of the man without surplus? Do you not see that the chief sufferer in this case—the only immediate sufferer indeed—would be the man without surplus or capital, and in need of food and other necessities of life, which he could get only by wages—or theft?

171. But here you have the whole question of capital and labor; and if any body tells you that there is a necessary and natural antagonism between capital and labor, you may safely set him down as an ignorant man.

172. Capital is simply accumulated savings. He who has it becomes the enemy of labor only when he hides his capital in an old stocking or a fire-place, or in the ground: when he refuses to make use of it. When he does this we call him a miser, and despise and dislike him, as is but just, for then only he sets up his selfish interest against his fellow-men.

173. But while property, surplus, or capital is used by its possessors, it is a benefit to the whole mass of those who have no capital, and to whose advantage it is, as in the case of the needy miner, to be able to receive wages for their labor. The more numerous the laboring or non-capitalist class is, the more important to them, you must see, is a large accumulation of capital, for they depend on that to enable them to earn wages, and in their turn, if they will exercise self-denial, to save a surplus; and no one is so seriously injured as the laborer for wages, by any event—be it a war, an unjust law, or a corrupt government—which lessens the safety of accumulations, alarms their owners, and makes them reluctant to venture on new enterprises.

174. It is therefore fortunate for the less prosperous of mankind that the spirit of accumulation leads those who own

property to seek ways in which to use this very property or capital in adding to their stores; *for thus the efforts of the poor, the non-capitalists, are lightened, and made more productive for themselves than they otherwise could be.*

175. Capital is simply accumulated savings. In the United States any laborer may hope to acquire property, if he has health and intelligence, by the exercise of industry and economy; and it is one of the commonest, as well as, to a thoughtful man, one of the most satisfactory experiences, to see a young man, after laboring faithfully for hire for a time, presently begin on his own account, and by and by become, in his turn, the employer of other men's labor as well as his own.

176. While it will probably, for a long time to come, be necessary as well as advantageous to the mass of men to labor for wages, that country is the most fortunate in which it is the easiest for an industrious and self-denying citizen to lift himself from the condition of a hired man to that of independence, however modest. It is extremely important that neither laws nor customs shall interfere with this change, but that all doors shall be opened for it. For though not one in a thousand of the laborers for wages may choose thus to elevate himself to independence, it adds materially to the contentment and happiness of all to believe that if they chose to do so they might; and that efforts not beyond their powers would always open the way to them.

177. As the accumulated wealth or savings in any country is thus a source of subsistence and a means of advancement, not merely to the individual owners of this wealth, capital, or property, but to the whole population, and especially to that part of it which labors for wages, and *who could not receive wages if accumulated capital did not exist, or if it were destroyed*, so it may be said without exaggeration that *no part of the community has so vital an interest in the abundance, freedom, and security of capital as those who labor for wages.* For though the individual capitalist may be seriously inconvenienced by events which lessen or make insecure his accumulations, he has still the resources of removing his capital, espe-

cially if it consists of money, to a more secure place, of withdrawing it, at whatever loss, from enterprises which afford employment by giving the means out of which to pay wages, or, in the final resort, of living upon it without seeking any return for its use. In any of these cases the laborers for hire suffer first and most severely. This you may see in every great panic and business crisis in our country, when those who possess a surplus or capital at once begin to hoard it, and to withdraw it from enterprises; and it is seen upon a large scale in such a country as Mexico, where long-continued civil disorders have caused both the hoarding and removal of capital, and where, consequently, though the wealthy live well enough, and even increase their capital, the mass of the people remain in indigence, and find it extremely difficult to achieve more than a hand-to-mouth existence, and this though their country has great natural wealth and a fine climate.

178. Consequently those who assert that capital is the enemy of labor, or who favor unjust laws, arbitrary interference with the course of industry or the uses of capital, or a corrupt and wasteful administration of the government—all which are attacks upon capital and its owners—are the worst enemies of the laborers for wages, and injure these precisely in the degree in which the unjust law or wasteful administration discourages or hinders the accumulation of capital.

179. Hence trades-unions and international societies, when they teach that capital is the foe of labor, and that the laborer for wages ought or must always remain a hireling; when, in carrying these doctrines into practice, they endeavor to limit the number of hours a laborer shall work, and the number of persons who shall learn a trade; or when they support usury laws, an irredeemable paper currency, and extravagant appropriations by the government for public works—really strike a blow at the comfort and prosperity of the class which labors for wages.

180. In several following subdivisions I shall try to make plain to you how interference with the free use, circulation, and increase of capital is, aside from its injustice, specially in-

jurious to the non-capitalist class—to those who labor for wages—and to whose advantage it is to be able to accumulate a surplus, and to become, by their honest labor, capitalists themselves. For I remind you again that a “capitalist” is not necessarily a man of *great* wealth. The carpenter who owns his chest of tools is to that extent a capitalist: he has a surplus, which he can sell or rent out. The Liverpool match-boy, who called himself a “timber-merchant on a small scale,” was not so far wrong: he had goods to sell; and if he owned the matches, he was also a capitalist—to that extent.

XXII.

OF USURY LAWS.

181. If you have any kind of surplus property or capital, you may hide it, like a miser; or you may use it yourself in enterprises where it enables you to employ the labor of others, for which you pay them wages; or you may let some one else use it.

182. If you part with your property permanently, or sell it, you expect to get for it an equivalent, in money or some other kind of property. If you part with it temporarily, or lend it to another, you reasonably demand an equivalent to repay you for the temporary deprivation of its use or enjoyment. Thus, if you lend or let your house or farm or money, you require and receive rent—the rent of money being called interest.

183. The rent which you would be willing to pay for a two-story frame house depends on its situation, the purpose for which you can use it, and the number of persons who would like to occupy it. For if it were even very valuable, but to you only, and valueless to every one else, it is clear that I, the owner, could not demand a high rental, because you would refuse to give it. Nor would it be unjust in you to offer only a low rental, because, in such a case, if the house is valuable to you alone, that proves that it is your skill, your in-

dustry, your labor and talent, or your self-denial, and not the intrinsic value of the house, which are under the circumstances to give it value.

184. Not only does the rental value of the house depend on its situation, but it is likely to vary from year to year, as similar houses are more or less abundant, or as there are more or fewer purposes for which they can be used.

185. If, now, Congress or a state Legislature should enact a law prescribing that all two-story frame houses throughout a state or the United States should be rented for no more than fifty dollars per annum, this would evidently be a ridiculous, and moreover an unjust regulation, for such a house may be five times as desirable in one situation as in another—that is to say, five times as valuable to you, who want to hire its use of me.

186. But take notice that while such a law might temporarily and in the first instance benefit a part of the poorer people—for whose advantage demagogues would cry out for its adoption—it would presently and permanently injure them; for, first, it would at once put a stop to the building of such houses, whereby mechanics would be thrown out of employment; second, it would incommode the poorer people, by lessening the number of houses in proportion to occupants, and confining them therefore to narrower quarters; and, third, capital, thus menaced and oppressed, would take alarm, and be rapidly removed to countries where the people were not silly enough, and demagogues not powerful enough, to enforce such arbitrary regulations. And while not merely the capital which was originally intended to be invested in two-story frame houses, but much other capital, would thus disappear, and all enterprises supporting labor would be checked, the owners of two-story frame houses, who would actually lose, would in their turn be so much less able to employ labor. Thus, for the temporary gain of a small part of the people—the occupiers of two-story frame houses already built—the whole laboring population, the mass of the people, would be seriously injured.

187. It is therefore clearly to the general advantage that the house-owner shall be allowed to make such arrangements with his tenants as to rent as shall be mutually agreeable to them.

188. But a two-story frame house is the equivalent of money; money was expended to build it; and what is true of the house is equally true of the money. If you borrow my house, it is to use it, and I exact payment for this use, and graduate payment according to the demand for it, just as you agree to pay according to its value to you. If you borrow of me a thousand dollars, it is equally to use it: you may want to build with this sum a two-story frame house. Clearly the law ought not to interfere either to compel you to pay more or me to receive less than we can mutually agree shall be a fair rental or interest for the money.

189. Obviously no Legislature can tell beforehand what I ought to pay or you to receive as rent for your money any more than for your house, because it can not take into account all the various and varying circumstances of each case. It is just as ridiculous, unjust, and injurious to the mass of the people to prohibit men from paying more than seven per cent. for money as to declare that they shall pay no more than fifty dollars a year rent for a two-story frame house.

190. For in the one case, as in the other, capital, arbitrarily interfered with, seeks other uses, and flies away to freer regions, *in each case to the injury of the non-capitalist class*, because the wages fund is lessened if capital is diminished.

191. In practical effect, as money is a form of capital easily concealed, a usury law works in this way: Some capital is sent away to places where no such law prevails, as from New York to our Western States; some remains, the owners preferring to keep it near at hand, and of this a part is invested in securities, such as railway bonds, and thus also substantially goes to enterprises in other states; and for that which is actually lent out at home, the borrower is obliged to pay a *premium*, or sum down on receiving the loan, which really raises the rate he pays, and raises it in a manner unprofitable to him. be-

cause it obliges him to pay a considerable sum down, of which he entirely loses the use, and on which he gets no interest. Moreover, where usury laws prevail and are enforced, borrowers have generally to fee an agent or middle-man, who receives the premium, in order to save the lender harmless against the law. Thus not only do usury laws make capital less abundant—and of course enterprises and wages less in the same measure—but the borrower himself is usually injured by having to pay premiums graduated upon his individual necessities, and not upon the general demand for money.

192. On the other hand, many of the Western States will show you the advantage, not merely to a country, but to the individual laboring man, of letting borrower and lender arrange their own terms. These states were rapidly built up on borrowed capital, which they drew from the East by the offer of high rates of interest. Cultivating a rich soil, and settled on cheap lands, the Western farmers could afford to pay high rates of interest, because their returns were very great. An Indiana farmer twenty years ago could well afford to give twenty per cent. for money, because if he used it to buy Congress land and plant corn, his first crop often paid for his whole investment. "If I can make thirty per cent., why should I hesitate to pay fifteen?" said a sensible Western farmer to me only a few years ago. Obviously he was right; and a law prohibiting him from paying more than seven would have been an injury to him and to hundreds of others like him—namely, laboring men without capital, but able to make extraordinary gains by their labor if only they could borrow a little capital. It would have injured them, because they could have borrowed no money at a low rate. Take, for instance, a laboring man who, by saving his wages, was able to buy one hundred and sixty acres of Congress land, but must borrow the means to plant his crop and harvest it. He could afford to pay a high rate of interest; he could not afford to let his land lie idle. *It was the poor man who was benefited by the power to borrow, of which a usury law would have deprived him by keeping money out of the state.*

193. It is sometimes said that high interest eats up the poor. But plainly it is only the improvident or speculative poor who suffer. On the contrary, it ought to be said that natural rates of interest will make men more prudent in entering upon new enterprises; for they will more accurately count the cost, and will be less apt to expose themselves to vicissitudes and chances. Many a man borrows at seven per cent., and pays a premium making his interest equal to ten or twelve, who would hesitate to borrow at ten or twelve per cent. outright.

194. Bear in mind, then, that usury laws are injurious chiefly to those who labor for wages, by lessening the wages fund of the country, and by disabling them from borrowing sums by the help of which they might, with energy and prudence, become capitalists in their turn, and achieve independence.

195. You see, therefore, how short-sighted is the policy of those who oppose the repeal of usury laws in the states, and have even demanded that Congress shall enact such a law to apply to the whole United States.

XXIII.

OF BANKS, BANKING, AND CREDIT.

196. If I have a thousand dollars which I shall need to use three months from now, but do not need in the mean time, it would be an advantage to me to be able to lend it out at interest for three months. But it might happen that you wanted to use a thousand dollars for three months and no more; and it would be an advantage to you to be able to borrow, not for a year or a longer term, but for three months only. If we two could know of each other's wants at the right time, both of us would be benefited; and not we two only, but also all whom our joint arrangement enabled you to employ with my thousand dollars, and me with the interest I received of you.

197. In every civilized community there are daily hundreds, or rather hundreds of thousands, of such instances; and BANKS

are established to enable the borrower and lender to be quickly accommodated. Experience has shown that the demand of lenders can be foretold, depending, as it does, upon business transactions arising out of commerce, manufactures, and agriculture, which have their regular periods. A banker, therefore, acts upon his knowledge of the laws of commerce and the laws of nature, which tell him that money realized by one set of transactions may be safely loaned to persons engaged in another set, to be returned in time to be used for a third, and so on. You can see, for instance, that a miller, having sold his flour, can lend his money to a farmer, who wants to plant his crop; provided that at harvest the farmer, who will then sell his crop, will return the loan to the miller. The storekeeper, with whom laborers spend their wages for the necessities of life, receives meantime money, which he may lend to the miller in case he should want to repair his machinery.

198. A bank is an association to facilitate such loans, and its interests are therefore harmonious with those of the whole community, and especially with those of the class who work for wages; because the less capital lies idle, the more will be at the disposal of those who want to employ labor and pay wages.

199. A bank is in fact an association for the safe-keeping and the loaning of money. It becomes responsible to us for the money we deposit with it; allows us to draw checks at will against our deposits; in some cases pays us a low rate of interest on the sums we leave with it; and makes its profit by lending at higher rates. As it is responsible to us for our money, it must lend on good security only, and must know the character as well as the circumstances of borrowers; and as it must return us our money at any time, and without previous notice, its managers can lend only at short dates, or "on call"—that is, to be repaid by the borrower after a short interval, or on demand. And it is to the banker's interest not only to make as many loans as possible, but to make them prudently, to competent men on good security; for he has capital of his own at stake, and if he should fail to pay his depositors on demand, they would close his bank and seize his property.

200. Thus you see that a bank is a means for the economical use of capital; and every economy of this kind makes more abundant the fund out of which wages are paid, and thus secures a greater range and amount of employment to those who work for wages.

201. What is thus true of banks is, of course, equally true of credit in general. If a mechanic, on the strength of his good name and of his chest of tools, can borrow a hundred dollars for a year or for a term of years, and if he has a profitable use for the money, evidently he is benefited by the credit he has. He may use it to pay the wages of men he employs; and with the help of a small loan may in time achieve real independence. And if, after having accumulated property, his character and property secure him credit for ten thousand dollars, and enable him to employ fifty or a hundred men, still that credit would be a benefit not only to him, but to all whom by its help he was able to employ for wages.

202. *Thus credit is useful to the poor, and not merely to the rich; and to the many, and not only to the individuals who have or use it.*

203. But it may be misused; as if I should borrow money to be used in an enterprise, as a mill, which was unprofitable. Here my laborers would still receive the money in wages. I should lose that; but they and the mass of laborers also would lose, secondarily, because the capital sunk or lost in the unprofitable mill would be dead; it would never more be available for wages or consumption; it could not increase, and would produce no profits available for wages; and by every such loss of capital, the whole community, including, as you plainly see, the laborers for wages—the non-capitalists as well as the capitalists—are the poorer. Thus when a bad law tempts or forces capital into naturally unprofitable industries, this is a loss to the mass of the laborers as well as to the owners of the capital.

204. In many cases, indeed, the individual capitalist prudently saves himself from loss, by insurance. Thus when a mill or factory is burned down, or swept away by a broken dam,

the owners may receive its full value from an insurance company; they may use this money to rebuild their factory, and thus give temporary employment to a large number of men; and to a superficial view the loss might appear a gain. But you must see that, first, the operatives stand idle while the mill is rebuilding: or if they seek employment elsewhere, do so at a loss to themselves by the cost of removal, and at a loss to others of their own class by increasing the supply of their kind of labor at the very time that the demand is diminished; and, second, the old mill rebuilt will only give employment to its former operatives, while if the mill had not been destroyed, the capital used in rebuilding it would have been available for a new mill or other enterprise, which would have given employment to an additional number of hands.

205. Thus you see that destruction of capital works to the injury of the non-capitalist class; and that the Chicago fire, though it gave employment for a time to a multitude of carpenters, masons, bricklayers, and others, and caused an artificial and seeming prosperity in that place, was a loss to the mass of our population, because in fact it lessened the capital, surplus, or wealth of the country, and thereby impaired the means of giving employment all over the land. The Boston and Chicago fires were followed by a general stagnation in business all over the country, because capital which would have been used in other enterprises and expenditures, and consequently in the payment of wages for other and new production, was concentrated in Boston and Chicago, and used to repair waste and losses: to replace what had been destroyed.

206. But an unprofitable enterprise is just as much a destruction of capital as a fire; and if I should hire you for a year to carry bricks from one side of a road to the other and back, though you might in the mean time live from your wages, I should have sunk my capital, and the mass of the laborers in the community would have suffered a loss, because there would be less capital out of which to pay wages.

207. Thus you see that credit, which is only capital in another shape, can not be misused without inflicting a loss on the

whole community, and especially on the laborers for wages. And you see how foolish are the people who would like to have the government borrow vast sums of money to be expended in what are called "public works," of doubtful and certainly not established utility; for if it were certain that a new canal or railroad or other so-called "improvement" would be profitable, private capital would quickly create it. The plea is that such projects would give employment to great numbers of men. But if they are employed in unprofitable enterprises, they and the mass of laborers are in the end injured by the loss of capital, which involves a decreased fund out of which wages may be paid.

XXIV.

OF BANK-NOTES.

208. Besides receiving money on deposit, and lending it out on security, which is their proper and legitimate business, banks sometimes issue notes or bills of their own.

209. This is a peculiarly profitable business: for a bank-bill bears no interest; it is liable to be destroyed by fire or water; it is likely to remain out for a considerable period—indeed, issue-banks often take pains to cause their bills to be circulated at a great distance from the bank in order to keep them out the longer; and, finally, as the bank-bill becomes a medium of exchange, the people are in a manner compelled to accept it. But if a bank fails, the laborers for wages, the non-capitalists, are sure to suffer most of the loss which occurs from the depreciation of the bills. A bank note or bill has therefore some of the features of a forced loan by the bank from the public.

210. In the United States we have been so long accustomed to see the issue of bills made the most conspicuous business of a bank, that in the common apprehension a bank is synonymous with a paper-mill, a machine to create shin-plasters, and to suspend specie payments whenever, by granting unwise

credit and imprudent loans, it has helped to create a commercial revulsion.

211. I want you, therefore, to fix in your mind the fact that the issue of bills is not a necessary, and hardly a legitimate part of the banking business; that the most solid and also the most profitable banks in the world do not issue notes at all; and that bank-notes, though a convenience, are not absolutely necessary to any people. California, for instance, had in 1873 a number of remarkably solid, useful, and profitable banks, but it had only two banks of issue; and as it might have had many more, their absence is a proof that they were not needed.

212. *A bank-note is not money; on the contrary, it is only a promise to pay money.* It is one of several kinds of promises to pay; and differs from the others mainly in these particulars—that it bears no interest, and that the holder has no security in his own hands.

213. If you have in your pocket a twenty-dollar gold-piece, you have actually in your possession that much value. But if you have in your pocket a bank-note for twenty dollars, you have only a certificate that a bank, which may be a thousand miles distant, and of whose managers you know nothing, *has your twenty dollars.*

214. Now, if you wished to carry about with you two or three hundred, or even one hundred dollars, it would obviously be more convenient to carry bank-notes to that amount than money; for the paper bills are lighter than coin, and more easily concealed from thieves.

215. This convenience of carriage and concealment is the only excuse for the existence of bank-bills, and it is a sufficient excuse where men need to carry about considerable sums. But a laboring man, whose whole wages for a week amount perhaps to less than twenty dollars, and who pays out the greater part of this sum at once for subsistence, is not inconvenienced by the weight of his money. He does not need bank-bills; and there is no need for small bills to accommodate him. Small bills, of less denominations than five dollars, are in some respects a convenience; but their use drives coin out of circu-

lation, and so does an injury, in a time of commercial panic, by helping to cripple the banks. Moreover, the poor, who are usually the holders of small bills, in a time of bank failures are sure to suffer loss from such bills; and it is not fair that they should be thus exposed.

216. For these reasons the issue of bank-bills for sums smaller than five dollars ought to be totally *prohibited*.

217. A bank-note, being only a certificate that the bank has the bill-holder's money, may be accepted as a public convenience, if the public is willing; but as every man has a right to his own property at all times, it is clear that the bank has no right to refuse me money—which is mine—whenever I present its bill. You may for your own convenience allow the bank to keep your twenty-dollar gold-piece; but you ought to have the power to call the money back into your own possession at any time; for if you could not do that, you would keep your money and refuse the bill.

218. Hence bank-notes can not be made a legal tender, because *they are not money*, but only the certificates showing that somebody else has your money; and they ought always to be redeemable at will in coin, which alone is money.

219. When a bank issues notes or bills, its object is to gain money by borrowing without interest, of the general public. If it issues one hundred thousand dollars in bills, that implies that it holds one hundred thousand dollars in money in its vaults or till, ready to redeem these bills. In practice, however, banks do not keep so much money idle; they keep on hand only such a smaller sum as general experience has shown to be usually sufficient for redemption. But experience has also shown that all bankers are not prudent or wise; and hence the government now rightly requires that a bank, before it issues bills or notes, shall deposit a sum in property at all times readily convertible into coin, which shall be held for the redemption of the bills. United States bonds, which are the best security we have, and most readily convertible into money, are used for this purpose.

220. With the management of banks which confine them-

selves to the business of receiving deposits and making loans the government has no right to interfere—any more than it does with the business of a merchant, farmer, or shopkeeper. For I have no more right to expect the government to care for the safe-keeping of my money than of my goods in store, my house, or other property.

221. Banks of issue, however, stand in a different category. They exercise a power over the public so great and so liable to abuse, in the privilege granted them to issue non-interest-bearing notes, without security in the holders' hands, things which take the place of money, that the people have a right to demand that such issues shall be made only under rigid checks.

222. It is proper, therefore, that the government shall require the deposit of United States bonds to an amount greater than the amount of bills issued. Should the bank fail, these bonds would be sold by the government, and out of the proceeds the bill-holders would be paid first. Under this, which is called the National Banking System, the bill-holders are secure against loss by failure of the bank; and there is no doubt that this system is more secure, and of greater public convenience than any system of state banks. It was first applied by the State of New York to its own banks; and Secretary Chase, seeing its merits, applied it to the whole country.

223. With this ought to go a law rigidly requiring the banks at all times to redeem their bills in money; and providing for the instant forfeit of a bank's charter the moment it refuses this, its primary duty. Unfortunately, hitherto in this country banks have been allowed to suspend specie payments in every great commercial panic; and as they long ago learned to count upon this, they were induced, by the security of exemption from punishment, to make imprudent loans, and for their own gains to help on the coming crisis.

224. But with a sufficient deposit of bonds in the Treasury, a prohibition against small bills, and rigid punishment for a suspension of specie payments, *there is no sound reason why any one who desires should not be allowed to set up a bank of*

issue, in any part of the country. If they become too numerous, they will cease to be profitable, for the bills will be sent home for redemption too constantly, and the superfluous banks will wind up their affairs.

225. You will see by this the folly of the debates in Congress about regulating the number of banks of issue, and their distribution over the country—as though, when national bank-bills circulate with equal credit in every part of the United States, it could make any difference where the banks happened to be placed.

226. Also you will see the ignorance of those who cry out against national banks as monopolies, making huge profits out of the people. That this is the rankest of follies will be plain to you if you remember that a bank-note is used only as a convenience by the people; and that, under proper regulations promptly enforced, banks of issue are a real and important convenience; while banks of deposit and credit are, as you have seen, of the greatest and most positive advantage to the mass of laborers for wages.

227. If those who oppose banks would demand a resumption of specie payments by the banks, they would do the country a real and very great service; but instead of that they cry for “more greenbacks,” about which I will next proceed to tell you something. But I must first explain to you that, under the present currency system, the national banks are obliged by law to redeem their notes, not in money, but in greenbacks; which means that they exchange their own for the government’s irredeemable promise to pay money. If two wrongs ever made a right, this plan might have some merit. It would be better, because simpler, to absolve the banks from redemption of any kind for a specified time; and thus separate their currency from that of the government. Then they would at least prepare themselves for resumption, which now they do not. At present every attempt to withdraw greenbacks from circulation—the first duty of the government, if it is honest—threatens and alarms the banks, who see the power of redeeming their notes lessened, and themselves fatally embarrassed;

and thus, while we keep up the absurd farce of making the banks redeem their notes in greenbacks—which means only that we exchange one irredeemable promise to pay for another—we force them to oppose with all their strength all attempts by the government to redeem and withdraw its greenbacks; and in fact oblige the banks to lend their countenance, openly or secretly, to every movement for “more greenbacks.” For obviously, if the issue of these government notes could be doubled, the banks would find it easier and cheaper to redeem their notes in them.

XXV.

OF “MORE GREENBACKS.”

228. A Greenback is a non-interest-bearing promise to pay money, issued by the government, and for whose redemption the holder has no security in his own hands. It is, so far, precisely like a bank-note; but it has two features which make it differ from a common bank-note: you can not sue the issuer of the note—the government, namely—and that has used its power to make it a legal tender. A bank-note, as you saw a while back, has some of the features of a forced loan; the greenback has all—it is a forced loan. If I should compel you to give me your dollars in exchange for a piece of paper on which I had written simply “I O U” so much, that would be a forced loan—you would probably call it a robbery: and that is precisely what the government did when it issued irredeemable promises to pay, and made them a legal tender.

229. If a banker issues one hundred thousand dollars in bills, that is evidence that he is the owner of one hundred thousand dollars in money or other property, which—or, more correctly, one hundred and ten thousand dollars—he has deposited in the Treasury as security that he will redeem his notes on demand.

230. If now a banker were to set up a claim to issue one

hundred thousand dollars in bills, *on the plea that he had no money or property at all with which to redeem them*, he would be rightly thought insane; and if he persisted in such an absurdity, he would be sent by his friends to the lunatic asylum. If he should demand, besides, that these bills which he desires to issue should be declared a legal tender, no doubt he would be put into a strait-jacket, or sent to the incurable ward, and the lowest attendant in the asylum would laugh at him as an absurd creature.

231. But this is precisely what the government does in issuing greenbacks. It issues promises to pay, *on the plea that it has no money*; and it makes them a legal tender because they are not good. For if they were good, it would not need to *force* us to accept them, which is the only object of the legal-tender clause; and if the government had money, it could have no excuse or occasion for issuing notes.

232. For you must not forget, what was shown you under the head of *Taxes*, that a government can earn or create nothing; it is not a producer. Again, you saw, under the head of *Money*, that when the government coins money it does not create gold or silver; nor does it add to their value by coining them; *it does not even own the metal it coins*; but only, for the general convenience, stamps your or my or John Smith's gold with its certificate that each piece contains a specified quantity of the metal.

233. This service plainly gives it no right to declare any thing else money; but if it did, it would be you or I or John Smith, and not the government itself, who would have the right to carry iron or paper to the mint to be stamped.

234. Nor does its authority to declare the gold it stamps a legal tender give it power to make any thing—even gold—a legal tender for more than its actual and real value. For in all this it creates nothing: it only exercises a power delegated to it for the general convenience, *to make public declaration of a value already existing*.

235. Let me repeat to you once more that a government has no power to create value in any way or sense; for it does

none of the things out of which, we have seen before, value grows: *it neither produces, nor exchanges, nor saves*; it only expends or destroys whatever is given to it by society. It is, in fact, like a pauper; for, *like a pauper, it exists by the contributions of others*; and as it *can have no surplus*, but necessarily lives from hand to mouth, and by the labor of others, a pauper might as well put out demand notes as a government; for the bills of each would represent, not existing values, but values destroyed and extinct, and therefore not values at all, but *nothing*. If you will reflect that in order to call in and redeem the greenbacks the government would have to first raise money by taxes—or by what is in the long run the same thing, by sales of bonds—you will see that the greenback is simply a certificate that the government has actually spent and destroyed that much property; and that, as before said, it represents, not value existing, but value extinct, which is *nothing*.

236. You will see by this the extraordinary hallucination of those people who cry out for “more greenbacks.” In a time of war, when the expenditures of the government enormously exceeded the largest sum it could raise from taxes, it was authorized to borrow money. It borrowed many hundreds of millions, upon bonds, or obligations promising to repay the lenders at a certain time, with interest at a stipulated rate. This was perfectly legitimate and honest. But, by a singular blunder, the government also chose to borrow money by a forced loan from its citizens, for which it gave, not interest-bearing bonds, but notes promising to pay, but neither stipulating time of repayment nor granting interest for the use of the money. Such a note made by an individual would be void; made by the government, it was tolerated, on the express ground that the government needed vast sums for its current expenditures, and must get money where and in whatever way it could.

237. But circumstances have changed. The taxes now equal the expenditures, and there is an annual surplus even. How then can we have “More greenbacks?” On what excuse, in what way, for what purpose, can the government borrow money? What shall it do with the money for which

it is to issue "more greenbacks?" The "more greenback" people seem to have perceived this dilemma, and to meet it they have begun to urge a great system of "public works"—canals, railroads, and other costly improvements. But if we are to run in debt for these, surely it is better to do so honestly, by selling our bonds, than dishonestly, by increasing the amount of a forced loan which ought long ago to have been paid out of the surplus revenue, instead of redeeming bonds not yet due.

XXVI.

OF COMMERCE.

238. You have seen, under the head of *Property*, that the surplus, or that part of his product not needed by the producer for his own consumption, *has no real value, and can not become wealth or capital unless he can exchange it for something else.*

239. It is not less true that *the value of the surplus grows in the precise measure in which the facility of exchanging it is increased.*

240. The Nebraska farmer, unable to get his corn to market, is forced to burn it as fuel; and no matter how rich his land, or how great his crop, the surplus on his hands is after all worth only so much wood. If he could send it to Chicago, it would be worth a good deal more than so much fuel. If he could as cheaply send it to New York as to Chicago, it would bring him a still greater price; and its value to him would be increased with every market he could touch. When I was a boy, Ohio had no railroads, and the farmers near Cincinnati used to sell eggs in that market for three cents a dozen, because that was their only market. Railroads have so greatly increased for them the facility of exchanging eggs, that they now get even in Cincinnati probably at least five times as much as formerly. You can see that they gain this

great advantage simply by increased facility of exchange. Railroads have extended their market for selling eggs.

241. Nor is this increased facility of exchanging eggs for other products a benefit to the farmer alone ; for if formerly, for lack of cheap transportation, eggs were very cheap in Cincinnati, they were very dear in many other places. To facilitate the exchange only equalized the prices, and thus increased the comfort of the mass of consumers, and also the wealth of the mass of producers. For if eggs were any where very dear, that is a proof that they were scarce there ; and facility of exchange created abundance where before was scarcity.

242. Pray fix in your mind therefore this fundamental truth, that *every impediment to the exchange of products is an injury ; and that every removal of such an impediment is a benefit*, because it *increases the rewards of the mass of producers, and the abundance, and hence the comfort and happiness of the mass of consumers.*

243. Hence the satisfaction with which people welcome railroads ; the benefit of steamboats, steamships, bridges, and all other means by which we decrease the cost of transportation. For you can see that if a farmer can send his eggs to only one place, Cincinnati, where men want to buy eggs, he can not hope to get as much for them as if he could—with cheap transportation—send them to any one of a dozen cities. And as he would send his eggs only to places where they would bring a higher price—where therefore eggs were scarce—cheap transportation, by creating abundance in those places, would benefit consumers there.

244. Commerce means the exchange of products. If I have more hides than I need, and you have more clothing than you need, and if I want clothing and you hides, it is plain that we shall make an exchange of our surpluses if we can get together and agree upon a price. It is clear, too, that *we shall both benefit by such an exchange, because when it is made, each of us will have less of the articles which he could not use, and more of those which he wanted.*

245. Moreover, you can see that it would be an advantage to you, having clothing to exchange for hides, if you could find, not me alone, but a hundred others, with surplus hides to exchange for clothing, because you would hope thus to get more hides for your clothing. It would be an equal advantage for me if I were the only possessor of hides within the reach of a hundred men having clothing to exchange. But, evidently, *all* the owners of surplus hides would be benefited if they could come in contact with *all* the possessors of surplus clothing—because thus the market of all would be broadened, and the price would be equalized for the mass.

246. Thus you see that unimpeded commerce is a benefit to the mass of producers; and that every impediment preventing a part of the owners of surplus clothing from reaching a market of hides, while it may be an advantage to the few who do reach it, and who would thus have a monopoly, would be an injury, first, to those who were prevented from reaching it; but, second, and more important, to the whole of those who were anxious to exchange hides for clothing.

247. *Every impediment to free exchange, therefore, whether natural or artificial, is an injury to the mass of consumers—who are the whole people.*

248. Nevertheless, every act of exchange which takes place, even where a close monopoly exists on one side, or in regard to one product, is still an unmixed benefit, for it increases abundance and comfort, though in a less measure than if the monopoly did not impede free exchange; and thus it would be wrong to say that men, under any circumstances, become poorer by voluntary exchange. It is, however, quite certain that *capital increases far more slowly* where impediments exist to a free exchange of surplus products.

249. Impediments to the exchange of products are either natural or artificial. The natural obstacles are very numerous, but may be comprised under the general head of distance. A river is a serious impediment to commerce, until it is bridged or a ferry-boat crosses it; an ocean is a greater impediment, and can be overcome only with the help of ships.

Differences in language and habits are natural impediments. Providence, which placed natural impediments in the way of the exchange of products, gave to different and distant parts of the earth different climates, soils, and capacities for production, so that what is produced in one country is needed in many others; and every part of the earth is fitted to produce something which is desired by the people of other parts.

250. You will quickly see the wisdom of the Creator in this, for it compels mankind to intercourse with each other; and commerce is thus one of the main agents in spreading civilization over the world, in bringing men and nations together in a humane and brotherly spirit; in subduing barbarism, preserving the peace, and in increasing constantly the area over which industry and self-denial are rewarded, property is made secure, and civilization becomes possible.

251. Imagine a nation which was so favored by climate and soil that it could and did produce within its bounds all and every thing that its members required, and you will see that such a nation would soon cease to have any influence upon the outer world—for good at least; it would become selfish; would scorn, because it did not need, commerce; would lose the immense advantage of intercourse with other nations; and, having no such commerce or intercourse, would presently contract vices, such as ignorance, superstition, contempt of foreigners, and disregard of justice, which would degrade its civilization. But imagine the earth divided among nations, each sufficient to itself, and you will see Africa or Greenland reproduced all over the planet.

252. Moreover, God, whose design in surrounding our lives with difficulties evidently was to force us to exercise ingenuity, courage, persistence, patience, daring, and enterprise—all those which we call manly virtues—had this in view also in creating impediments to intercourse between men in distant parts of the earth, but at the same time making such intercourse, for the purpose of exchanging products, absolutely essential to our comfort and highest well-being; and im-

elling us therefore, by the most powerful motives, *to overcome the impediments he has created* ; and making us feel that *we are the higher and the better, as well as the wealthier and more comfortable beings, in the measure that we do overcome them.* There is no doubt that the character of the whole Chinese nation has been degraded by their long-continued abstinence from foreign commerce, and their consequent seclusion from other nations. Had they during the many centuries of this seclusion been actively engaged in foreign commerce, it is certain they would have been less selfish, less ignorant, less superstitious, more courageous and enterprising, and more truthful and just, than as a nation they now are.

253. Artificial obstacles to exchange arise out of laws, which either prohibit exchange with foreigners entirely, as formerly in Japan, or lay a penalty on such exchange, as regards certain products: this is still done in many countries, among them our own.

254. All such artificial restrictions are impolitic, injurious, and, unless *all* commerce is prohibited, necessarily partial and unjust.

255. It is possible to imagine a nation like the Japanese determining for religious or other reasons to seclude themselves entirely from the world; and therefore totally prohibiting commercial as well as other intercourse with foreigners. In such a case the *whole* people accept less abundance, and deny themselves comforts and luxuries which they can not themselves produce. All are injured, all suffer loss and deprivation; and if injustice is done, it is by all to all.

256. But among civilized nations, like our own, the prohibitions and penalties on foreign exchange are nowhere of this character; they are always partial—being laid only upon a few articles; and thus an essential injustice is done to those who would, if they were allowed, exchange their products for those articles which are forbidden them, or who must pay a penalty for such exchange. For instance, if I am a farmer, who need to exchange my surplus wheat for clothing, it is an

injustice to me if the law forbids me to make this exchange wherever I may choose; for, as we have seen, *if by any impediment it narrows my market, it lowers my profit.* I may be able to get more cloth for my wheat in Germany than in my own neighborhood: a law which makes me pay a penalty for doing so is clearly partial and unjust. Or I may be a blacksmith, and prefer Swedish bars for my horse-shoes; why should you, who make American bars, urge a law to make me pay a penalty for my preference?

257. Fix in your mind that *Commerce is not a swindling transaction, but a purely beneficial operation; that every act of honest trade increases the happiness and prosperity of all who are concerned in it; that when we two exchange products, each is the more comfortable and the better off for the exchange—for each has given that which he wanted less for that which he wanted more.*

258. God, who placed natural obstacles in the way of free exchange, *has yet made it laudable and beneficial in us to use all our strength and ingenuity in overcoming these impediments* which he has placed in the way of the freest and widest exchange of commodities.

259. When, therefore, human governments interfere by laws (*which while they exist it is our duty to obey*) to obstruct such exchange, they arrogate to themselves authority greater than that assumed by the Creator, and do an injury, moral as well as physical, to all who are subject to such laws.

260. Property, as you have before seen, originates in three acts: labor, self-denial, and exchange. A law which should forbid men to labor, or limit their right to labor except in prescribed ways and hours, ought to be resisted by all sensible men as an unjust interference. A law which should limit the right of self-denial—or compel me to spend my accumulations as fast as I created them, would be no less unjust and monstrous. But a law which interferes with my right to exchange my surplus where I like is only more endurable to us because we are accustomed to it. It does not differ in principle; and how potent custom is in making us tolerant of unjust laws we

already see in the ease with which men submit to trades-union regulations limiting the duration and the manner of men's laboring.

261. Nor is it strange that the trades-unions, who interfere with the right of a man to labor when, where, or how he likes, favor also the enactment of laws unjustly and in a partial manner impeding the exchange of products or commerce. Their course, in this respect, is logical. They abhor abundance, and make scarcity their god.

262. The most magnificent and conclusive example of the benefits of unobstructed commerce is afforded by our own country. The Constitution of the United States provides carefully for the most entire and unobstructed freedom in the interchange of products over the greater and the most fertile part of the American continent, and among thirty-seven different political communities; and no one doubts that it is to this absolute freedom of exchange, guarded with the utmost jealousy against every exaction and interference, that we owe our wonderful advance in wealth, as well as in the ingenuity and intelligence of our people. Consider what must have been our condition had Virginia been allowed to lay restrictions and penalties on commercial intercourse with Pennsylvania, or New York to interfere with her citizens when they sought to exchange products with Massachusetts, or the North with the South, or the East with the West, as was done under the Confederation.

263. Yet if any such interference is beneficial, it would seem to be more necessary to protect the West against New England than against Europe; or the South against the North than against England and France. For, the plea for such interference being that it is necessary to enable the establishment of manufactures at home, and to maintain a high rate of wages, it is clear that Michigan or Georgia manufactures, for instance, can be more easily undersold by Massachusetts or New York than by English or German manufacturers, who must carry their goods so much farther to market, and must also draw their raw materials from a greater distance; and an iron-mas-

ter in Indiana or Missouri would feel the competition of him Pennsylvania or New Jersey rival far more keenly than that of an Englishman, who must send his iron three thousand miles farther to market. Yet the Western and Southern manufacturers make no complaint of such home competition.

264. The Southern leaders were more logical. They wished to destroy the Union because they imagined that thus they could set up home manufactures in the Southern States; and their attempt was really, and in many cases avowedly, a protectionist measure; an intentional and deliberate interference with the free exchange of products.

265. You must understand, however, that the people of the United States have long and deliberately consented to a policy in regard to external commerce which I have shown you to be injurious to the general welfare. No political party is yet united in demanding that the people shall be guaranteed the right of free exchange. Nor can it be doubted that the Congress has power to lay duties discriminating in favor of some branches of industry—and of course against others; for it is the essence of such discrimination that it shall injure some in order to benefit others. This is one of the great battle-grounds of opinion in the United States; and as many large individual interests are arranged in favor of such discrimination, and as the masses who are injured have not the means for as compact an organization as the few whom self-interest guides, it is probable that we shall see protective tariffs for many years cumbering our statute-books, and lessening the general prosperity.

266. When the Constitution was adopted, most statesmen still believed that a country needed such interference with the free exchange of products, to enable the establishment of home manufactures; hence the power given to Congress to "regulate commerce," which undoubtedly means and has always been held to imply the power to interfere with exchange, not merely for purposes of revenue, but for the object of "protecting," as it is called, home manufacturers. The first tariff or scale of external duties enacted by Congress had this object in

view; and though unjust, partial, and impolitic, there is no doubt that Congress has the constitutional right thus to derange industry by partial laws.

267. One plea on which protective tariffs, as such interferences are called, have been justified, is that thus only can we have diversified industries. If this were true, it would really justify the protectionist system—for diversified industries are a great benefit to a nation. But in the next section I shall show you that so far from favoring a diversity of industries, protective tariffs have really, in our country, discouraged and destroyed many small industries, and created a powerful and to the people irresistible tendency of both capital and labor toward a few great industries.

•XXVII.

OF DIVERSITY OF INDUSTRIES.

268. That nation or people is happiest which has the most widely diversified industries; because its members will be led inevitably to the exercise of great and varied ingenuity and enterprise, while at the same time capital, the fruit and reward of labor, will be more equally distributed among the population than in a country where but a few industries are pursued.

269. Take, for instance, a region devoted to grazing, or to the cultivation of cotton only, and you will find the mass of the people dull and subordinate, and the wealth in few hands. In like manner examine a district devoted mainly to the production of crude iron, coal, or cotton fabrics, and you will find the mass of the people subordinate, in poor circumstances, comparatively ignorant and unenterprising, and not ingenious, while the greater part of the wealth of the community is concentrated in a few hands.

270. But find a district where the people are engaged in a multitude of small industries, and you are sure to find wealth

more equally divided, comfort more widely diffused, and the people more enterprising, intelligent, ingenious, and independent.

271. To contrive a system of laws, therefore, whose tendency and effect would be to draw large numbers from the smaller industries which they would naturally pursue, and concentrate their labors upon a single pursuit, would be to degrade the character of such a population, by making it less ingenious, enterprising, and independent than before; and this the more if this single industry should be of a kind which required, in the mass of those engaged in it, but little skill or thought, and at the same time required that much capital should be devoted to it. For in that case not only would the character of the people deteriorate, but wealth would more and more be drawn away from the smaller industries, and concentrated in the larger, and the mass of the people would become in time less prosperous and comfortable.

272. Now this grave injury has been done to large classes of our population by what is wrongly called the system of "*Protection to Home Industry*," which is simply an interference with the right of free exchange.

273. To comprehend how "Protective" laws, so called, degrade home industry, and prevent diversity of industries, I must first explain to you the natural progress of industry in any country—that course which the Creator has laid out by what are called Natural Laws.

274. When a new country begins to receive population, men being scarce and land abundant, it is inevitable that wise men will turn to industries which require for their prosecution the least amount of labor, because the rate of wages will be high, laborers being few. Hence in our new territories grazing is at first a favorite and profitable occupation. As population increases, lands rise in price, and farming is begun; and presently villages make their appearance, where blacksmiths, carpenters, masons, wagon-makers, and shopkeepers gather, to supply the farmers' needs, and afford him for at least a part of his surplus products a near market. Capital

or surplus rapidly increases in a new country ; as population continues to stream in, new industries are devised, and the region which at first imported every thing except its meat becomes more and more self-sustaining ; for capital, intelligently directed, spies out the wants of the people and the natural resources and advantages of the land ; and it is not long before even some articles of manufacture begin to be exported to neighboring districts.

275. By this time roads and perhaps railroads have been built, and, by lessening the cost of transportation and increasing production, the cost of living has been greatly cheapened ; new enterprises no longer offer such great rewards as at first to capital, and the rate of interest has consequently fallen ; increasing population has lowered the rate of wages—without, however, necessarily lessening the comfort of the laborers, for all prices are also less, as you have seen. Finally, there is a numerous class of hired laborers, whereas in the beginning almost every man was his own employer. At this stage what we call manufactures naturally arise. Capital, seeking new means of profitable employment, provides machinery, raw material, and wages, for the use of laborers also seeking new ways to earn a living.

276. This is the natural course of a country's industries where arbitrary and partial laws are not used to force both capital and labor out of the channels Nature has provided. In this natural development the ingenuity and enterprise of the people have constant exercise ; capital is for a long time pretty equally diffused, because there will be a great and increasing diversity of small industries ; the character of the population will be high, its independence great, and prosperity will be general. The greater operations of industry, which require extreme concentration of both capital and labor, will be long deferred, until at last the country's natural resources are fully explored, and the accumulation of wealth and the increase of population are both so great as to lead naturally and safely to such employment for both. The stages of development in such a case will be slow, but sure,

and there will be no great crisis or panic, nor any marked lowering of the condition of the people. Their ingenuity and desire for prosperity would lead them to devise new industries and control new enterprises as fast as capital and labor offered to prosecute them; and it is an important consideration that these new enterprises would grow naturally out of the conditions of the country, as to climate and productions, and the wants of the people.

277. Unfortunately this natural and sound growth is not permitted. Different motives, among which are national pride, a desire for more showy production, the subtle fallacy of a "home market," so called, but mainly the greed for wealth and supremacy in individuals, unite to bring about the adoption of unjust and partial laws, enacted to favor some special branch of industry. These laws, under the beguiling name of "Protection to Home Industry," lay heavy duties on a few foreign products, in order to enable those who produce these articles at home to charge a higher price for them, and to give them the command of the home market—which means only, as must be plain to you, to compel the mass of the people to buy of the favored individuals at a higher price than they could, but for these laws, buy for elsewhere; in other words, to impede the free exchange of products.

278. For instance, New England capitalists—helped, I believe, originally by some Southern men—began to clamor for duties on foreign-made cotton goods; and, contrary to the wish of the first promoters of cotton manufactures, a high duty was put on the importation of foreign calicoes, sheetings, and other manufactures of cotton.

279. Of course, a duty on the foreign product is a bounty on the home product. The home manufacturer raises his price to the price at which the foreigner can sell after he has paid the duty. A duty on calicoes, therefore, confessedly makes calico—the home as well as the foreign product—dearer than it would otherwise be; and all who wear calico—all the women and children in the land, that is to say—

must pay more for their dresses, in order that the insignificant number engaged in making calicoes at home shall obtain their bounty.

280. Now it has never been pretended that the people of New England were starving when a duty was laid on calicoes and other cotton goods. They were, according to all accounts, an extremely industrious and ingenious people, engaged in such a multitude of small enterprises that "Yankee Notions" was the generic name of a great class of small inventions and products, all useful to mankind. Capital was widely dispersed in these petty industries, for which the character of the country and its inhabitants was well fitted; large fortunes were few, and not easily accumulated, but the average of comfort, intelligence, and public spirit was uncommonly high.

281. The effect of the protective duty was, 1st, by offering an unnaturally high reward to capital, to draw that away from a number of the smaller industries, and concentrate it in a few great buildings filled with costly machinery. 2d. To draw away a large part of the laboring population from their petty industries and their country homes into large manufacturing towns, and to employments which made them more dependent and less ingenious and self-helpful than before.

282. The life of a mill or factory operative being of a kind offering few hopes of advancement, and a smaller chance of independence than intelligent and enterprising people like to submit to, the best class of the New England population presently withdrew from it, or never entered it; but capital—then not superabundant in the country—having been diverted to manufacturing on a great scale by the "protective" duty, was made less abundant for small enterprises. The temptation of cheap and fertile lands then drew off the most enterprising population to the Western States; and the Yankee girls left the factories to fill the vacant places of those who had emigrated to the West.

283. The manufacturers, to fill the gap, began systematically to import foreigners, mostly of a low grade of intelli-

gence, and have continued to do this to the present time; with results evident to the country in a gradual but serious deterioration in the character of the population, the corruption of politics, the increase of vice, crime, and ignorance.

284. To bring about these evils the women and children of the United States were compelled to pay tribute, during a great many years, every time they bought a new calico dress or a yard of muslin. Meantime this "protection to home industry," or favoritism to a few at the cost of the great mass, has built up a few very great fortunes, and a large population, subject, ignorant, to a large extent the easy prey of demagogues, and in every way inferior to that it superseded; the average of comfort and prosperity in New England is much lower than it was before "Protection;" and pauperism has greatly increased.

285. You see here that "Protection to Home Industry" was a curse to people who were "protected," at the same time that it was unjust to that great mass of the population which, not being engaged in cotton manufactures, was not "protected," but had to pay, in higher prices for clothing, the cost of protection to a few.

286. Take now another case, where an attempt was made to "protect" both the producers of a raw material and its manufacturers—of course once more at the expense of the great mass of the people, who are consumers. The wool-growers and the wool-manufacturers combined to appeal to Congress for "protection," and "encouragement for their home industries;" and their demands were granted. Naturally both American wool and American woolen goods immediately rose in price—that was the object of the men who asked for the high duties. Woolen shirts, trousers, coats, blankets, carpets cost all of us more, in order that these two home industries might be favored.

287. The exclusion of foreign wool and woolens caused, 1st, a rapid and great increase in the production of American wool, and also in the price of mutton—for the farmers, sure of a high price for wool, would not sell so many sheep to the

butchers as before. But mutton, too, is an article of universal consumption. 2d. The high duty caused the establishment of a large number of woolen mills, with expensive machinery, to build and work which capital was drawn from other industries where it was before usefully employed. At the same time people were drawn from farms and other employments into the woolen mills. Thus, as in New England in the previous case, industry was in a double way deranged.

288. But hardly had all the wool-growers and woolen manufacturers got fairly to work when it was discovered that the exclusion of foreign-grown wool from so large a market as the United States had made it so cheap in Europe that manufacturers there could still sell their goods here, after paying the high duty, in competition with ours in our own market. Then followed a demand for still higher duties on the foreign goods.

289. But this additional protection for themselves enabled our manufacturers to import some foreign-grown wool; whereupon the wool-growers began to clamor: they had greatly increased the product of wool—for sheep breed rapidly; and as many had paid high prices for sheep, and for fine bucks, they did not like to lose the benefit of protection.

290. But it was reasonably urged by manufacturers that to exclude foreign wools entirely was to confine our manufacturers to making but few varieties of goods, and those not the most profitable, because for most kinds of goods the manufacturer needs to mix in the looms the wools of different climates and countries. Hence the exclusion of foreign wool, and an overstocked market in some kinds of goods, caused the stoppage of many factories, a general stagnation of the business—under the high duties, remember—consequent fall in the demand for American wool, and prostration of the protected wool-growers; all to the advantage of only a few wealthy and cautious manufacturers, who happened to be able to take advantage of the low prices.

291. Here was a loss to farmers, manufacturers, and operatives by “protection.” Nor was this all. Machinery lives

though men die. If it stands idle, it deteriorates; new inventions supersede it by and by; and if it has stood idle, it has not earned the cost of replacement: hence actual loss of much capital. As to the workmen, drawn away from other and more healthful employments, and made more dependent than formerly, many were now turned adrift.

292. To achieve these miserable results—to cause loss to the farmers as well as to the manufacturers and their laborers, to derange an important industry, and benefit only a few speculators who were ready to take advantage of the general loss—the whole American people were obliged by a partial and unjust law to pay during several years needlessly high prices for coats, trousers, blankets, carpets, flannels, and woolen dresses.

293. Take yet another example, differing from the foregoing—the manufacture of crude and rolled iron, which includes pig and railroad and other bars. Laws placing a penalty on the use of foreign iron have existed on our statute-books for a great number of years; they were adopted on the plea that we possessed rich ores and abundant coal and limestone; and that we could not safely be dependent on foreign nations for so necessary an article as iron, because we might in such a case be very seriously inconvenienced in the case of war. I hope you are logician enough to see the fallacy in this proposition—it lies in the implication that without a penalty on the use of foreign iron, and a consequent bounty to the home manufacturer, no American would have engaged in this industry. But if, as is most true, we have abundant supplies of excellent ores, fuel, and fluxes—that is to say, if Nature has put us into an uncommonly advantageous position for making iron, surely it is too much to say that we could not or would not use these natural advantages without an additional bounty from the government.

294. The “protective” bounty, however, caused a rapid flow of capital and labor from various other industries to this crude pursuit—one of the lowest of all, the least elevating to those engaged in it. The capital and labor *were diverted*

from industries naturally more productive, and this of course put a serious loss upon the general community ; because thus less aggregate wealth was produced, and the means of exchange were lessened. But, further, the hope of extraordinary gains from protection—which promised the iron-master a monopoly of the home market—led men to rash ventures. Many placed their iron-furnaces badly, so that they labored under natural disadvantages, and needed protection, in fact, not from European iron-masters, but from their more judicious neighbors. I have been told by several iron-masters that the furnace of the late Thaddeus Stevens of Pennsylvania was thus misplaced, and that when he constantly appealed for a higher duty on foreign iron, for more, and more, and more “protection,” he spoke from his own experience, and for his own necessities, and not those of the judiciously placed furnaces.

295. Another result of “protection” was that the protected iron-masters, even where the furnaces were well placed, often neglected to apply the most scientific methods in their work. They had become accustomed to depend on bounties and “protection” granted by the government, and no longer used their brains, as they must have done had they, like the shoemakers and blacksmiths and carpenters, the farmers, sewing-women, and the immense mass of unprotected laborers, been obliged to depend upon their own ingenuity. Mr. Abram Hewitt, of New Jersey, himself a prominent iron-master and zealous protectionist, in a Report on Iron at the last French Exhibition, reproached the American iron-masters for this neglect, and pointed out that at that time many of our works were conducted on methods long ago abandoned in Europe as uneconomical. In another case an American, visiting an English manufacturer of a specialty in woolen goods, discovered that, in spite of our high tariff, he continued to export his goods to the United States ; and asking curiously how it could be afforded, the Englishman replied by showing him that he had just put in an entire set of new and greatly improved machinery, *and had sold his old and waste-*

ful machinery to a manufacturer in the United States—to his competitor, namely, who depended not on ingenuity or cheap means of production, but on “protection,” and no doubt petitioned Congress for higher duties as soon as he had set up the Englishman’s cast-off machines. Protection, you see, dulls ingenuity, because it destroys a market for it. If an American mechanic invents a machine for saving labor in a “protected” industry, he has the less chance to profit by its adoption, because the capitalists to whom he offers it depend less on economy or ingenuity than on the government’s bounty or protection, taken out of the people’s pockets.

296. The object of a duty on foreign iron is, of course, to enable the American iron-master to charge a higher price for his product. This addition to the natural price of iron must be paid by the American people, for other nations will not pay it—they will prefer to buy in a cheaper market, and thus protection ruins our foreign commerce. But think for a minute what an addition to the price of iron means. It means that the carpenter shall pay more for his tools, the blacksmith for his horseshoes, the house-builder for his nails, the house-keeper for her pots and kettles, the farmer for his implements—it means that houses shall be dearer and house-rent higher; that all agricultural operations shall cost more, wherefore bread must be higher; that all machinery shall be more costly, and therefore all clothing and other necessities of life produced by machinery shall be dearer to the poor; and, finally, that railroads, which use enormous quantities of iron in rails, locomotives, and cars, shall be more costly, and therefore freights higher *forever* to the farmer, who wants to get his produce to market.

297. That is to say, a duty on iron takes something out of the pocket of every man, woman, and child in the United States, and by that much lessens their comfort and prosperity; and it does this, as you have seen, to make the fortunes of a comparatively small number of capitalists engaged in the production of iron, and to enable them, according to Mr. Hewitt, to work with wasteful means and processes.

298. *For the workmen do not benefit by the tariff*, but only the capitalists. It is not pretended that the high duty obliges or causes the iron-masters to pay their laborers wages above the average standard of wages in the country: *the protectionists only claim that the high duty enables the payment of wages in the protected industries equal to those paid in the unprotected.* But those now engaged in the furnaces and factories, where they are crowded together, and rendered less intelligent, less ingenious, less independent than the average of their countrymen, would, if there had been no iron-furnaces at all, have been engaged in other and more healthful occupations; and they are thus injured by the protective duty, by being lured into the furnaces; and in the end are left without employment by a commercial crisis in their trade, caused by overproduction, brought about entirely by the stimulant of bounty or "protection." The high duty on iron tempted capitalists by the prospect of extraordinary profits, and thus caused an unnaturally rapid expansion of this business; with the result, sure from the first, of a general paralysis, involving loss of capital, which is an indirect but certain loss to the mass of laborers; but also, and directly, bringing suffering to the laborers engaged in the production of iron, and to their families.

299. You see, in these three instances, that—1st. Protection diverts capital from numerous diversified and naturally productive into fewer and naturally less productive channels: which is an injury to the mass of the people, because it checks their enterprise and ingenuity. 2d. It diverts labor in the same measure—for labor follows capital; and it places the laborer always in a more dependent and precarious situation. 3d. It causes loss of capital, which is a serious injury to the country, for capital is accumulated wealth, and one of the most important tools for further increasing wealth. 4th. Finally, it is a means of deranging industry, and thus suddenly throwing great numbers of men out of employment. 5th. And it does all this injury in a most costly manner, by a tribute levied upon the whole population.

300. I might exhibit to you many other examples of the

folly and loss of "protection"—as the high duty on foreign salt, which, 1st, destroyed some part of our foreign commerce, where our ships were able to carry an outward cargo cheaply only on condition of bringing home salt from Liverpool or the West Indies; and, 2d, actually enabled a combination of salt monopolists, two or three great companies, to close some of the more important of our own salt-works, and thus lessen the supply to the American people. I saw myself, a few years ago, the great West Virginia Salt-works standing idle, and when I asked the reason, was informed that the owners were hired by the Associated Salt-Producers to close their works (*and of course to discharge all their workmen*). This is called "Protection to Home Industry."

301. Again, a high duty was laid on foreign lumber and timber; with the result, 1st, of breaking up an important trade in finished lumber which our merchants had established with Australia and the West Indies, but which was driven to Canada by the tariff which made lumber dear here; 2d, making all houses dearer, and house-rents higher for the laboring men and their families; and, 3d, causing the needless destruction of our own forests, which we ought much rather to have preserved with great care, so long as our neighbors would sell us theirs.

302. I hope it is plain to you that *all obstacles to the exchange of products are injurious*; and that as God allows and incites us to use our utmost ingenuity to lessen and overcome those natural obstacles which he has placed, so it is the most egregious folly in us to add artificial ones. In doing so, we inevitably sink capital or accumulated wealth, and expose the laboring part of the population to undue hazards, losses, and suffering.

303. Yet trades-unions and labor societies encourage this system, miscalled "protection," and thus show once more the folly which rules them, their ignorance of natural laws, and their unfitness to undertake the control of labor.

304. For, bear in mind that—1st. If there had never been an iron-furnace, a cotton or woollen mill, in the whole United

States, our population would still have been fully employed, and at good wages. For our country is but thinly populated, and with unobstructed production and exchange there will be for a century to come a dozen days' work for every man ready to labor a day. 2d. Without "protection" we might have had fewer cotton and woolen mills and iron-furnaces, but we should have had a far more diversified industry; a more general and equal distribution of wealth; more numerous opportunities for enterprising men of small means to use their inventive skill in small businesses; and hence greater independence, and with this a higher average of general intelligence, thrift, and comfort than we have.

305. Protection drew our capital and labor into undertakings which were not naturally profitable (for else there would have been no reason for protection); hence loss of capital or wealth—a lessening of the total amount of accumulated savings in the nation. But, as I showed you under the head of *Property*, every loss of capital is an injury primarily to the mass of those who labor for wages; secondarily to the whole community.

306. Moreover, protection, by offering the special temptation of a bounty to a few industries, and these of kinds in which the laborers are on the whole least benefited and made most helpless, exposes these industries to over-production, and thus causes commercial revulsions, stagnation in trade, and general loss, with particular suffering to the laborers in the protected industries, who are at such times thrown out of employment; and a general derangement of wages in all employments.

307. I have told you before that *no merely selfish policy can in the long run prosper*. God did not make the world so. Unselfishness is as much a natural law as the law of gravitation; and he who seeks to benefit himself by injuring others strives against nature, and though he may succeed in his direct purpose, is sure in some other way to sustain greater injury. And what is thus true of individuals is still more true of nations, which, as their life extends beyond that of individuals, are very certain to reap as they sow.

XXVIII.

OF STRIKES.

308. When laborers for wages make a demand upon their employer, accompanied with a threat that if he refuses they will leave him, they are said to "strike."

309. Of course, every workman has a right to make his own terms with his employer; and it can make no difference—so far as right goes—whether he acts singly or whether he joins a number, great or small, of his fellow-laborers in arranging or rearranging these terms. All laws having for their object the prevention of such combinations and strikes are therefore unjust and oppressive. Every man has an inalienable right to seek to better his condition, and the means he uses for that end lie within his discretion, saving only, of course, that he must keep the peace. *As a workman has no defense against an oppressive employer except the threat to leave him, it is the extreme of injustice to deprive him of that.*

310. His strike may bring loss and inconvenience not only upon his employer, but upon the general community: that does not lessen his right to strike, or to combine with others in a strike. It may be unwise, and bring suffering upon him and his associates and their families: that, too, does not impair his right. In short, *when a laborer strikes, he exercises only the liberty of deciding to whom and on what terms he will give his labor*; and to interfere with that right would be to take away his freedom and make him a slave.

311. But the rights he has and uses he must allow to others; and the striker has no right to coerce any other workingman to join him: when he does that, he becomes a criminal of a very grave kind, for his wrong affects the rights of all working-men. If it were granted that a striker might rightfully force another workman to join him, he would thereby

give up his own rights and liberties; for clearly, if he may abridge the freedom of another, somebody else, by the same right, may lessen his. If you have a right to force me not to work, another may by the same right force you to work. The striker therefore commits the grossest and most absurd tyranny when he interferes to force some other man to cease work. We see such attempts made in this country occasionally, but usually only by the most ignorant of our laborers; every interference of the kind ought to be severely and sternly punished, as a dangerous attack upon society.

312. In our times strikes usually take place upon a great scale. The organization of trades-unions has brought hired laborers into close connection, and enabled them to act in large masses for various purposes. Hence we have seen, in this country, strikes in which thousands of men were united; and in England, where the trades-unions are more powerful and compact organizations than here, it has happened that a general strike of the laborers in one industry was supported by those engaged in others, out of a general fund of their societies. In all this the workmen were exercising only the inalienable right of determining for whom and on what terms they would labor; and so long as they did not attempt to force unwilling laborers to join them, and did not otherwise break the peace, interference with them would have been the grossest injustice.

313. Whether strikes have or have not on the whole benefited the workmen is a question on which political economists differ, and which it is not easy to decide upon facts. My own belief is that strikes, as they are conducted, have done no lasting good to the strikers or to the mass of laborers, but, on the contrary, have injured them. Take, for instance, an industry which yields direct employment to ten thousand men; and suppose them to unite in a strike: while they stand out, they are not only consuming their savings—or those of other workmen who support them—and are thus the poorer; but also they are idle, and are tempted to form bad habits. Idleness itself is a very bad habit. If they succeed, the increased

rate of wages which they have compelled will not probably for a long time to come restore to them their former savings and comforts. Meantime, however, it is probable that other persons have been drawn into their industry, and thus by their own act the number of persons seeking their bread by this industry has been increased, and in the nature of things the demand for wages is greater, proportioned to the capital available for wages, than before; and either wages will presently fall again, or some part of the laborers will be thrown out of employment.

314. Trades-unions have apparently sought to prevent this natural consequence by arbitrary and tyrannical regulations concerning the employment of apprentices and of non-unionists; and by attempts to shorten the hours of labor, which is of course only an indirect way of increasing the rate of wages. Also they have endeavored to "make work" by forbidding men to do more than a certain amount of work in a given time. All these are deplorably rude and temporary expedients, the contrivance of men ignorant of natural laws, and, what is even more mischievous, flying in the face of the golden rule. To forbid a boy to learn a trade which he desires, to prohibit the employment of non-unionists, are acts of pure selfishness; and the whole spirit of the trades-unions in this matter is one which seeks to monopolize benefits at the expense of other men. But, as I told you before, nothing is truer, or more plainly proved by the whole experience of society, than that no merely selfish policy can achieve a great or lasting success. God did not make the world so.

315. When wages are permanently too low in any well-established industry, that means that too many persons are seeking to share in the gross returns of that industry. The remedy lies in either increasing the demand for the goods, which means widening the market for them, which can be done only by an extension of commerce, when more capital could be profitably invested in the industry; or in decreasing the number of persons desiring employment in it. Now a strike certainly does not widen the market for goods; it does

not extend commerce, which is the only way to permanently increase demand; and, by alarming capital, is far more likely to decrease than to increase the proportion used in the given industry; and by stopping work it checks the accumulation of that which is already invested. But it does not decrease the amount of labor offering—for the strikers simply stand idle, and mean to re-enter the same industry as soon as the contest between them and their employers is decided; as soon, that is to say, as one side or the other has suffered all the loss it can bear. I can not see, therefore, how the conditions are changed by the strike—except for the worse; and a strike of this kind can, I imagine, permanently increase the prosperity of the workmen just about as much as a man can lift himself from the ground by a vigorous tug at his coat-collar.

XXIX.

OF TRADES-UNIONS.

316. The theory taught by the trades-union leaders is that in striking the laborers demand only a share of the profits of the capitalists who are their employers. Thus they persuade the working-people that “capital,” as they say, is the enemy of “labor,” and that “labor” can prosper only by depriving “capital” of some share of its profits: that one man can gain only by another’s loss.

317. You will ask, perhaps, whether it is not true that the owners of capital do seek to increase their profits, even at the expense of their hired laborers; and whether, therefore, there is not a natural antagonism, not between capital and labor, but between the employer and his hired work-people?

318. Undoubtedly both employer and employed seek their own benefit; and where the employer has the working-men in his power he will seek to increase his profits by lessening their remuneration. This, however, can happen only where the laborers are slaves, and where the master therefore has

monopoly of their services. Where the workmen are free and moderately intelligent, and *competition in business is unobstructed*, if capital makes abnormal gains, other capital at once rushes in to partake of these ; if wages are above the average, other laborers rush in to share the higher rates ; and in either case profits or wages, as the case may be, fall to a general average.

319. Now a trades-union seeks to prevent this natural fall of wages by restricting the taking of apprentices and the employment of non-unionists ; that is to say, by, so far as its members can, making a close corporation or monopoly of the trade. But suppose the capitalists should in their turn try to prevent the extension of the industry by combining to prevent fresh capital flowing into it ? The one course would be as reasonable, as logical, and as vain as the other.

320. When wages in any industry fall to a point too low to afford the laborers engaged in it a comfortable subsistence, and with prudence and economy a small surplus, that is a proof that labor presses too severely upon the capital which can be profitably employed in that industry. Suppose now ten thousand persons employed in such an industry, and all enrolled in the trades-union. Their present course would be to strike. *Their true course would be to use the fund which every trades-union accumulates, to send surplus members to a region where labor is better rewarded : that is to say, to re-establish the disturbed equilibrium.*

321. THERE ARE NO SURPLUS MEN IN THE WORLD : when any one appears to be so, he is only in the wrong place. Enable him to go elsewhere, and teach him that he shall if need be *do something else*, and he is no longer surplus, but highly necessary to civilization. More than one half of our planet still lies waste and useless, and suffers for lack of strong arms and stout hearts to redeem it.

322. And here I come to one of the most mischievous blunders of the trades-unions. They teach, if not directly, yet by the spirit of their doctrines, that men have a vested right in their employments : that a mason has a right to re-

main a mason, and that society owes him a living by that trade. I wish particularly to warn you against this error. No man has the least right to subsistence as merely a mason, or a shoemaker, a lawyer, a clergyman, a tailor, a bricklayer, or a miner. If his labor as a mason is surplus, if no more masons are wanted when he comes along with his trowel, it is his duty, not to conspire against society with absurd regulations about apprentices and hours of labor, but to *go at something else*. A man who regards himself as *only* a shoemaker, a mason, a tailor, a lawyer, a physician, or a clerk, becomes thereby a contemptible object. He loses his independence, and makes himself the sport of circumstances. In our days, when new inventions continually change the methods of labor, it is especially hazardous for men to bind themselves for life to a single employment; and those only can hope to benefit both themselves and their fellow-laborers who, when they find their occupation overcrowded, have courage and independence enough to seek a new calling, and if possible a new field of labor.

323. Trades-unions and labor societies arise out of a perfectly just feeling, among hired laborers, that they are less comfortable than they wish to be. Education has, in all civilized countries, given to the great class of laborers for wages the taste and desire for a greater amount of comfort than contented them in other days. But the means they take to obtain their desires are, as I have tried to show you, mostly crude and in violation of natural laws.

324. Trades-unions should use their means to seek out new fields of labor; to teach their members energetically that though to-day they may be shoemakers, they can, if need be, achieve success as shepherds, gold-miners, farmers; that dependence is hateful; that independence is possible to all who have health and will; and that *migration is the duty of the strongest*.

XXX.

THE MALTHUSIAN THEORY.

325. When you come to read more elaborate works of Political Economy than this, you will perceive that some of the ablest writers on this subject speak of the desirableness of placing a check upon the increase of population. Mr. Mill, indeed, and those who follow him, hold that such a check is absolutely necessary; and that population should bear a "gradually diminishing ratio to capital and employment;" and he urges it as a duty upon the laboring class to postpone marriage, and bring fewer children into the world.

326. The Rev. Mr. Malthus, an English clergyman, presented to the world, in the year 1798, a lamentable and alarming picture of what must happen if men continued to increase upon the earth, while land could not increase. He believed that the best and most fertile soils were first occupied; that as population increased, the best soils lost some of their fertility, and the poorest came into use; and thus, naturally and inevitably—supposing him to be right—the more mouths, the less food; and we should by and by be involved in a general and disgusting scramble for dinner, in which, of course, the weakest would starve. Upon this theory Mill and other writers, whom you will by and by read, base their appeal for a decrease of population.

327. But it will strike you, if you reflect upon the matter, that, first, as it is not possible by law to prevent men from marrying and breeding children; and as, according to Mill and others, abstinence from the solace of the family life is to be expected only of the most thoughtful and prudent—in which they are right, of course—the result would be degeneration of a people, who, acting under such a belief, would in fact breed mainly from the lowest part of the race. Thus

a nation which embraced these views would presently find an increase of the ignorant and improvident, and a decrease of the wise and good : in seeking to make population stationary, it would breed out the brains.

328. But, secondly, it is not true that the most fertile lands are the first taken up. On the contrary, in the first settlement of a country the poorest lands are taken up, and are used in the least productive way—for grazing mainly. Later, as population presses, agriculture is begun, but in a wasteful manner, and still not on the best lands ; and it is not until both capital and labor are abundant that men begin to redeem the soils naturally most fertile, namely, the swamps and overflowed lands. This, which I think Mr. Henry C. Carey, of Philadelphia, was the first to demonstrate, you may see in all parts of our own country. Nor is this all : as population presses upon the supply of food, the arts of agriculture are improved ; manures are saved ; old lands are redeemed ; and all parts of the soil are made to bear larger crops.

329. The trades-unions and other labor societies appear to have accepted the dolorous view upon this subject which some Political Economists have presented to them, and are acting upon it. If it is true that a general scramble for food is imminent, they are perhaps right* in seeking to protect themselves, by forming their trades into close corporations ; by keeping out new members ; by seeking to do as little work, and get as high pay as arbitrary regulations promise them

330. But the most fertile part of our planet still lies unimproved, and in the possession of savages. When Mr. Malthus wrote, the whole great continent of Australia lay unoccupied : now it supports already some millions of English-speaking people, and adds yearly and enormously to the food and clothing supply of the world. When Mr. Mill began to write, California was occupied only by cattle, and a few Mexican families who slew these for their hides alone : now that great state exports wheat and wool and wine in immense quantities. Texas, as large and as fertile as France, is almost empty. South

America alone would support in comfort a population greater than that of Europe and the United States together. Oceania, New Guinea, and many parts of Africa, now possessed by savages, are ready to receive and support an energetic and thrifty population.

331. The world lies open in these days, when steamships and fire-arms make migration safe—and migration is one of the great remedies for the grievances of labor. Hence the importance of the trades-unions: if only they would turn from their strife against natural laws, and make themselves the instruments of a vast and well-organized scheme for founding colonies or even new nations.

XXXI.

OF PROHIBITORY LAWS, SO CALLED.

332. Benevolent and philanthropic men, unless they are also wise, which is not always the case, are fond of trying to make men virtuous by act of Legislature. Long experience has shown, however, that purely social evils or excesses, or even prejudices, where these last are based on differences of race or color, can not be cured by laws.

333. The intemperate use of spirituous liquors is one of the greatest curses to which modern society is exposed; it is the cause of at least three quarters of the vice, crime, poverty, pauperism, and misery to be found in our country. If you were to cut from the newspapers all the reports of murders and attempts to murder during a year, you would find that at least three out of four arose out of the misuse of spirituous liquors. If you trace to its source any case of crime, poverty, or extreme misery you may meet, the chances are at least four to one that you will find "Rum did it." If we could prevent the misuse of spirituous liquors, we should save at least one half of the taxes collected by states, cities, and counties, and very appreciably raise the average of com-

fort and prosperity among the people. The gravity of the evil is so generally recognized that the word "Intemperance" has come to have a narrow application in the public mind, being used generally to signify the misuse of alcoholic drinks; though men may be and constantly are intemperate in many other things, as in eating, in the strife after wealth or social or political distinction, or in their use of cards and other means of amusement; and I have known boys who were intemperate in eating candy and gingerbread, in the use of fire-crackers on the Fourth of July, or in novel-reading.

334. When a boy manifests a morbid and depraved desire for candy, judicious parents deny him this indulgence—but they do not necessarily deprive all his brothers and sisters who have no such morbid craving. So when a man has contracted a passion for gambling, he does well to avoid the use of cards entirely; but it does not follow, because some men intemperately waste their means in poker-playing, that all elderly ladies and gentlemen should be forbidden a harmless and pleasant game of whist.

335. In many of our states, however, philanthropic persons demand what is called a Prohibitory Liquor Law—a law entirely forbidding the sale and use of spirituous liquors; and they demand this because they believe it is the only way to extirpate the vice of intemperance.

336. *Law-makers, in order that their labors may be effective and useful, are bound to bear in mind the passions and natural tastes of mankind.* Not every wrong or evil can be cured by law; and there are matters which the wise law-maker leaves unnoticed on the statute-books.

337. Further, it is important for you to know that *any law is unwise which has not the general favor of the community to which it is to be applied*; for if a law has not this general countenance and support in public opinion, it can not be enforced in a free state. It is only a despotic ruler who can, by force of arms, terrify and compel his subjects into a change of their habits. Hence such a law as that lately before Congress, and wrongly called a "Civil Rights bill," is most un-

wise, because it offends the long-existing and bitter prejudices of a very large part of the community, and, besides, attempts to obtain for the colored people what it is not the province of law to secure for any one, namely, *social* equality: the right by law to force themselves into the society of persons who do not like them. A law compelling all hotel-keepers to receive colored men as guests favors the colored men at the expense of the whites—for it leaves to the latter no hotel to which they can resort without offense to their feelings. These feelings may be foolish or wrong; but they exist—and they are so strong and bitter that they can not be removed by laws. Time, in such a case, is better than laws. The Civil Rights bill, in fact, comes under the head of Prohibitory Laws, which we are considering.

338. In legislating upon the use of spirituous liquors, a wise law-maker would remember that the craving for stimulants is universal among mankind; that spirituous liquors and wines are of important use in diseases, and when moderately used are doubtless of service in preventing some diseases; that the right of a man to decide whether or not he needs a stimulant can not be declared by any general law, because each case must necessarily be judged upon its own features, and it must therefore practically be left to himself; that it is not a function of law to prevent a man injuring *himself*—else the government would have to interfere in every act of our lives: but only to prevent him from injuring *others*; and that, finally, a law prohibiting the sale and use of an article in universal demand can not be carried into effect without vexatious and justly hateful searches in private houses and interference with individual desires and tastes. To a wise law-maker, therefore, greatly as he might be impressed with the evils arising to society out of the misuse of spirituous liquors, a general law totally prohibiting their use and sale within a state, or the United States, would seem inexpedient, because it could not be enforced, and, if it could be, would involve an unjust and vexatious interference with individual rights.

339. Prohibitory liquor laws are thus unwise, and their adoption ought to be opposed because they are directed not against the abuse, but against the use of an article. But society has a right to seek, by judicious regulations, to protect itself against the results of the misuse of liquors. It has a right to exact of the retail liquor-seller a tax or penalty for the privilege of pursuing his injurious calling, and to establish and enforce severe penalties for selling without such permit or license. It may rightly levy a fine upon the liquor-seller in whose house a drunken man is found ; and put a penalty upon habitual drunkenness—which might very justly be hard labor for the benefit of his family. Also the community may refuse entirely to license bar-rooms or other places for the sale of liquor at retail and its consumption on the premises. Moreover, it would be eminently just to devote the proceeds of liquor-licenses to the support of the hospitals, poor-houses, orphan asylums, jails, and penitentiaries which the misuse of strong drink does so much to fill ; and the necessities of these charitable and penal institutions might be made, in any state or county, the measure of the license fees which should be exacted from liquor-sellers, instead of fixing a mere arbitrary sum. In this way, at least those who keep and frequent tippling-houses would be obliged to make up to the community some part of the money-loss inflicted upon it by their vice.

340. In the vain attempt to prohibit the *use* of intoxicating liquors, the temperance people have neglected many practical measures for lessening the *misuse*—which is all they have any business with. It is but recently, for instance, that they have awakened to the great advantage of empowering small communities, townships, or even school-districts, and wards in cities, to decide, by a vote of the inhabitants, the question whether retail liquor-licenses shall be granted or denied within their bounds. This is called “local option,” and I will proceed to explain to you its uses.

XXXII.

OF "LOCAL OPTION."

341. "Local option" is an application of the principle of Decentralization, which I explained to you in Section VIII.

342. In our political system, as you have read, some things are assigned to the Federal Government, some to the state government, and some by this to the county, city, and township governments. Of late, it has been seen by wise men that some matters which have been usually left to the state, or to the counties and cities, might advantageously be assigned to the smaller political subdivisions.

343. For instance, a compulsory school law is found to be very difficult of enforcement over a whole state. In some parts public opinion would readily sustain such a law; in others it is opposed, and where this is the case such a law is likely to be a dead letter. Again, a law refusing liquor-licenses would be sustained by public sentiment in some localities, but would be openly violated in others, where the public opinion was decidedly hostile to it.

344. If, now, instead of adopting one rule for all the people of a state, the Legislature should empower every township, city-ward, or school-district to declare by a vote of its citizens, to be taken once a year, that within the limits of such a subdivision licenses should be granted, or refused, it is evident that, as each of these small subdivisions would decide for itself, its inhabitants would be directly thrown upon their responsibility. If the majority wished tippling-shops, they would vote for licensing them; if they wished to extirpate them, they would vote to refuse licenses; *but it would be certain that public sentiment would enforce the law.* Moreover, by such an expedient the friends of temperance would be able to raise the question once a year, to bring it prominently

before the people in each locality, and to show the people, by statistics and facts, the economical advantages of temperance. This course has been pursued for a number of years in the township of Vineland, in New Jersey, and the people annually vote to refuse all licenses to sell liquor. They have found, as the result of their firmness, that crime and pauperism are almost entirely banished from their town.

345. The expedient of local option can be usefully extended to other measures of policy ; and if this is done, it will, by and by, bring us back to the town-meeting system of New England, which I described to you in Section XV., and thus one of the most important political reforms possible in our system would be brought about ; for thus the people of a small locality, in public meeting assembled, would once more discuss their local affairs, and vote directly upon the policy they wish to pursue and the money they are willing to spend for public purposes.

XXXIII.

OF CORPORATIONS.

346. A Corporation is an association of persons united to promote a common purpose, either of morals, pleasure, or business. Thus a church, a library association, a college, a Masonic or other benevolent society, an insurance or railroad or telegraph company, is a corporation.

347. Corporations are called in law "artificial persons," which means that they have no natural existence, but are the creatures of law. It is commonly said of them that they "have neither bodies to be kicked nor souls to be damned," which means that they are not amenable to the usual penalties for misconduct. It is, therefore, necessary and proper to limit strictly their powers and privileges, to impose severe penalties for their misconduct, and to enable the public to hold them quickly and easily to account in the courts. Leg-

islative bodies, whose first duty is to protect the rights of the people, may justly regard corporations with suspicion, and scrutinize with great care all grants of power to such bodies.

348. But the right of free association for business and other purposes is of so great importance that it ought not to be unduly hampered. All persons in a state ought to have equal rights to form corporations, under general laws, carefully drawn; and it ought never to be necessary to go to a legislative body for a special charter, or instrument creating a corporation. General laws should equally limit and define their powers and privileges, and impose equal penalties for misconduct. Thus a general railroad law should stand on the statute-book, subject to which any body of men within the state might form themselves into a railroad company; and the same is true of telegraphs, steamships, library societies, churches, etc. Thus monopolies would be prevented, and a fruitful source of corruption in legislative bodies removed. For where special charters are granted, it is a common occurrence to see rival companies struggling against each other before legislative committees, and using bribery to gain their ends or defeat their opponents.

349. While the rights and powers of corporations ought to be rigorously defined and limited, those which are granted them are as sacred as any personal rights, and ought to be as secure against attack. A corporation, when it does wrong, or exceeds its powers, is amenable to the courts; to drag it before a Legislature or Congress, for what is called "Investigation," is not only unjust, but tends invariably to the corruption of the legislative body. For the corporation will defend itself; and, being a creature without a soul, whose members feel no personal or moral responsibility for the corporate acts, it is very likely to be unscrupulous in self-defense if it is attacked in an unjust way.

350. As corporations have unusual powers, and are often in the nature of monopolies, the governments which create them may rightly require of them reports of their operations at regular and fixed intervals; and provide penalties for failure

to report regularly or correctly, as well as for violation of the law under which they exist. In this way accurate information concerning them is made accessible to the public. With the help of such information, and with unrestricted liberty to form new corporations, subject to equal and general laws, restrictions, and penalties, monopolies may and will be kept in order. It depends, however, upon the vigilance of the people to do this; for corporations, like governments, are always ready to presume upon the ignorance and carelessness of the people.

XXXIV.

OF CONFEDERATION AND UNION.

351. You already know from history that our country was first settled mainly by English people, who were formed into different colonies, subject to the British crown. The English eventually acquired all the settled parts of our Atlantic seaboard.

352. The management of colonies by all the European governments was, at that time, conceived in the most narrow and selfish spirit. A colony was held, by the ablest statesmen of the last century, to be rightly treated as a dependency whose inhabitants were to enrich only the government whose flag they served, and the nation from which they were derived; and the people of a colony were therefore forbidden to trade with foreign nations, and even to manufacture for themselves many articles which were produced in the mother country.

353. The British Navigation Act closed the North American ports to all but English ships, forbade any but English subjects to engage in foreign trade, and prohibited the exportation of sugar, tobacco, cotton, wool, and other products of the colonies, to any country but England. Also the English colonists were forbidden to establish manufactures of several kinds, because it was held that they would thus injure the industries of England.

354. It was this interference with the right to produce what they pleased, and to freely exchange their products where they could do so most advantageously, which began that alienation from England which ended in the Revolutionary War and the independence of the colonies. The greater part of the wrongs set forth in the Declaration of Independence grew out of the efforts of the English government to confine the commerce of the colonies to the mother country ; out of the determination of the Americans freely to produce what they pleased, and freely to exchange their products wherever it was to their advantage to do so. I call your attention to this fact, in order that you may see the extreme importance which civilized men attach to these rights.

355. At the close of the Revolutionary War the colonies, which had become states, formed themselves into a Confederation ; but, jealous of their separate independence, and fearful of a new master, the states, in the Articles of Confederation, reserved, each to itself, almost all the powers of government.

356. The government of the Confederation had no president or other executive ; it had no power over individuals, either to tax, to coerce, or to punish them. It consisted of a Congress of delegates elected by the state Legislatures, and upon this Congress were devolved certain duties, which, however, it had no power to perform. All its determinations were to be carried into effect by the states, whom, however, it had no power to coerce.

357. The states, under the Confederation, reserved to themselves the power of the purse. The Congress could declare the amount of revenue needed to carry on the general government, but the taxes were laid and collected by the states, according to a general apportionment, and when, as sometimes happened, some states did not pay in their quota, the Congress had no power to enforce its payment. The Congress had authority to declare war, but it could not raise a single soldier : that was reserved to the states. The Congress was made an arbitrator between the states : but it was powerless to enforce its decisions. Finally, the states, which alone

could levy taxes, reserved to themselves the regulation of commerce, and the right to tax the exchange of products, not only those coming from abroad, but also those which were sent from one state into another; and it was not long before high and vexatious duties were exacted, for the "encouragement of home industry," on the importation of goods from one state into another, which led, naturally, to retaliatory laws, and presently to such obstruction of the exchange of products as caused a general prostration of all industries in all the states. Production was discouraged, because markets were limited; at every state boundary custom-house officers stood to exact tribute of the man who had something to exchange; and *as the profitableness of industry depends on the right to exchange, and is diminished by every check placed upon the freedom of exchange, and by every limitation of the area over which a product may be exchanged*, production was fatally hampered, and the whole country fell into poverty.

358. The first movement toward our present form of government arose out of a convention called to remove some unendurably vexatious fetters upon the exchange of products. Commissioners were appointed by the Legislatures of Maryland and Virginia to make freer to the people of those states the navigation of the Rivers Potomac and Roanoke, and the Chesapeake Bay. They were unable to act effectively; and at their instance the Legislature of Virginia, in 1786, proposed a convention of commissioners from all the states, "to take into consideration the state of trade, and the propriety of a uniform system of commercial relations." These commissioners advised a convention to revise the Articles of Confederation, and it was this body which in 1787 framed our present Constitution.

359. Once more you see the extreme importance to the prosperity of industry of freedom of exchange. Our Constitution grew out of the necessity of freeing the exchange of products from the fetters imposed upon it by the states; and, accordingly, those who framed it took care to secure in the most effectual manner this great object.

360. The Constitution differs in but two fundamental particulars from the Articles of Confederation: it gives the Central Government direct power over individuals; and it establishes absolute freedom of exchange between all the states, and leaves the regulation of foreign commerce, which was and is still regarded as a source of revenue, exclusively in the hands of the Federal Government. All other changes were mere incidents arising naturally out of these two. For with power to levy taxes and to punish individuals came the necessity for an executive and a judicial branch of the government. As to other matters: the government of the Confederation, like that which took its place, was charged with the declaration of war and peace, the maintenance of post-roads, the regulation of the coinage, the maintenance of ambassadors abroad, etc., etc., just as our Federal Government is—only it had no power to cause any thing to be actually done, because it had no power to coerce individuals, to enforce its acts by courts or soldiers, or to raise a revenue.

361. The adoption of the Constitution, by freeing the exchange of products among the states, at once revived industry, by vastly enlarging the market for all products. When men could once more sell without obstruction what they had raised and produced, every energy was stimulated which before was crushed, and we began thus, by the removal of obstructions to exchange, that career of prosperity and growth which has been the wonder of the world.

362. The union of the states under a Central or Federal Government has thus been the direct cause of all our long and remarkable career of prosperity, and this because, first, it has secured to our people, within certain limits, unrestricted freedom of exchange, which has acted as a constant stimulant to their enterprise, ingenuity, and industry. It has set a prize on intelligence by securing its products an immense market, covering the greater and the richest part of the continent. Second, the Constitution assured homogeneous laws and free intercommunication over the whole of our territory, and thus made migration possible and safe, whereby new

fields of activity are constantly opened to the thrifty poor and to the restless and adventurous of our population.

363. Finally, the self-government in local affairs reserved to the states has enabled these to experiment safely, and to make changes in the state constitutions, not always for the best, but often needed improvements, and thus, by comparing results, to gradually and safely improve our system of government.

XXXV.

THE AMERICAN POLITICAL SYSTEM.

364. Appended to this volume you will find the Federal Constitution, which I advise you to read with care.

365. You will discover that this instrument creates a government of limited powers, but of unlimited authority within its province. For instance, the President of the United States can not appoint any state officer, nor issue a command to him—not even a justice of the peace or a constable in a township; but he may draft or compel half a million of citizens into the army in case of war. Congress may declare war, and levy taxes to carry it on; it may declare who are citizens, how much gold shall go to a dollar, and how many pounds of wheat to a bushel; but it can not enact or repeal a city charter, nor interfere in the acts of even a township's trustees.

366. This limitation and division of powers we call Decentralization. You have read of it in Section VIII.; and its practical application is one of the most important and beneficial features of our political system.

367. Under it, you must remember, the Federal Government has absolute command and power over every citizen and his property, *for certain purposes and in certain relations*; and this is necessary to give it efficiency. But it is *absolutely without power over the citizens in other relations*, and this is necessary to secure our liberties, and to give elasticity to our

political system; which means to make change possible without revolution.

368. The people of the United States are a nation; the Federal Government is a national government in the truest and largest sense of the word; and the Constitution empowers it to do all that any nation can require of its government, and to act in the most direct and decisive manner upon the individual citizen.

369. The Federal Government has the exclusive charge of our intercourse, as a nation, with other nations; and it alone can make treaties. If you travel abroad, your citizenship is declared by a Federal passport; your rights are defended by the Federal Government; you are known as a citizen, not of New Jersey or California, but of the United States; the flag of your country is the Federal flag; and foreign governments have not even any official knowledge of the existence of our states.

370. The Federal Government has the exclusive authority to make treaties, to declare war and peace, to raise armies and maintain a navy; and though the militia in time of peace are trained by the states, it must be according to rules adopted by the Federal Congress. It has the entire charge of the common defense against attack from other nations, and has the power to defend its own existence against rebellion, and make its own laws obeyed by all the citizens—all state constitutions and laws to the contrary notwithstanding—as was shown in the late war. It is empowered to raise revenue by internal as well as external taxes, and, if necessary, to borrow money for these and many other purposes. Its tax-collectors and other officers proceed directly against the individual citizen, and in its own courts. It has the *exclusive* authority to establish and maintain post-offices, to coin money and punish counterfeiters; to fix weights and measures, to regulate commerce, to take cognizance of offenses committed at sea, in the territories, and against the laws of nations; to enact bankrupt-laws, to declare who shall be citizens, and to grant patents and copyrights. In all these matters the state governments have absolutely no.

authority; and all laws enacted by Congress, for these and other purposes recited in the Constitution, are the *supreme law of the land*, and as such entitled to your faithful obedience, even though a state constitution or laws should command you to the contrary. For, an act of Congress, a decision of the United States Supreme Court, or a command of the President when this is in accordance with an act of Congress, is above any or all state laws and constitutions. The states are so completely prohibited from interfering with the Federal Government in its own field, as this is prescribed in the Constitution, that they can not even tax Federal bonds; and the Federal power is so supreme, within its limits, that it may punish even so small an offense as the obstruction of one of its mail wagons.

371. It may be well to explain to you here, also, that when a citizen disobeys a Federal law he is directly dealt with—arrested, tried, and punished—by Federal officers and courts; but when a state adopts an unconstitutional law, the citizen called on to obey it appeals to the Federal Supreme Court, and its decision on the question is final. Thus the President does not act directly against states as he may against citizens; and this is an important distinction.

372. In all that concerns us *as a nation*, either in our external or internal interests, the Federal Government is thus supreme. But in a great many important relations it has nothing to do with us; and these are left as absolutely to the state governments, and to the county and city governments, as the other and general interests are given to the Federal Government. In fact, great and apparently overshadowing as is the power of our Central Government, it is scarcely felt by the individual citizen, except when we have a war, which involves the raising of armies and a navy, and heavy taxation, or when we are cursed with a heavy debt, or serious internal disorders. Before the late war there were millions of Americans who hardly knew that there was a Federal Government, except when they voted for a President or a Member of Congress. The Federal revenues were then collected entirely at a few

custom-houses; the only tax-gatherer seen by the mass of citizens was a state officer; and the only evidences of the Federal power's activity which then came under the notice of the multitude of citizens were in the benefits they received from post-offices, light-houses, and the survey of wild lands.

373. A state government has the *exclusive* authority to maintain peace and order within its limits, to punish crimes, except those committed against the United States or against the laws of nations; to appoint the police and maintain the prisons; to regulate the tenure of lands and the rules of inheritance. It has charge of education and the public health; it creates and regulates all corporations, such as railroad and insurance companies, within its limits; it declares who of its citizens shall vote; it may regulate the sale of liquors and poisons, and abolish nuisances. In all these matters, and others of the same kind, the state has jurisdiction and power, to the exclusion of the Federal Government; and the Governor, the state Courts, and the state Legislature have abundant power to perform all their duties.

374. For instance, though the Federal Government has the right and power to punish resistance to or violation of its own laws any where within the national limits, it has no right to interfere in case of a riot or insurrection against the state authorities, until these, in a formal and prescribed manner, call on it for aid. If you remember what you read in Section VIII. about the meaning and advantages of decentralization and local self-government, you will easily comprehend the reasons for such a division of power, and perceive that it is not arbitrary, or fancifully made.

375. Within the state there are a number of political subdivisions: the county, township, and school-district, and the city and ward; all these are created and may be changed by the state Legislature, and to each a part of the work of government is assigned by the state constitution and in accordance with custom, which varies somewhat in different states. A city ward is the equivalent of a township; but cities are with us governed by a charter granted by the state Legislat

ure, while county governments are usually prescribed in a state constitution. There is no reason for this difference; and the practice of granting special charters to cities has been the cause of much ignorant and mischievous legislation, and of wide-spread corruption. A city government needs to be somewhat differently constituted from that of a county; but there is no reason why all the cities of a state should not exist under a single charter, carefully drawn.

376. The table which you will find on the next page will give you a summary view of the different political subdivisions recognized in our system, with their duties and officers. You will see how we proceed, step by step, from the smallest political division, where the people act directly upon measures which most immediately concern their daily lives, to the largest, to which general powers only are intrusted, having reference solely to the welfare and security of the whole nation. Take notice that by this division of powers and duties, first, government is made less cumbrous, and is therefore likely to be more efficient and economical; second, that as the power of a subdivision becomes more formidable, it is less intimately brought in contact with the people—thus the state government does not concern itself with roads, and the Federal Government has no charge of schools or the police; third, that thus the people are accustomed as much as possible to act directly upon their local and private interests, leaving only matters of more extended interest to the charge of the more distant and necessarily representative governments, as the state and the Federal authorities. Thus political education and the spirit of independence are maintained.

Name of Division.	Has charge of	Officers.
<i>School District.</i>	The free or public school.	School trustees.
<i>Township.</i>	Local peace, small offenses in justice's court; roads, pounds, local nuisances, paupers, taxes.	Trustees, justice of the peace, constable, clerk, road-master, assessor and collector of taxes.
<i>County.</i>	Main or county roads and bridges; nuisances, public health, general police, crimes and general offenses, county court, clerk for public records, administration of wills, superintendence of schools and of paupers, collection of taxes for state and county, jail, poor-house.	Judge, prosecuting attorney, clerk, public administrator, sheriff, superintendent of schools, coroner, treasurer, supervisors or commissioners, surveyor.
<i>State.</i>	General peace and order; the enactment and enforcement of all laws applicable to the whole state, and under which all local bodies act, and to which they are subject (the state laws are the supreme law of the state, all county or township laws to the contrary notwithstanding), militia drills, corporations, right of suffrage.	Governor, secretary of state, treasurer, attorney-general, superintendent of education, circuit courts and courts of appeal, public works, Legislature.
<i>Federal.</i>	War and peace, foreign relations, public lands, Indians, army and navy, light-houses, customs' duties, coinage, weights and measures, post-offices.	President, secretaries of state, treasury, interior, postmaster-general and attorney-general, postmasters, revenue collectors of different kinds, and a multitude of other officers and clerks.

XXXVI.

OF THE INALIENABLE RIGHTS OF AN AMERICAN CITIZEN.

377. In all the constitutions, Federal and state, the people have reserved to themselves certain rights and immunities, which none of their governments are allowed to interfere with ; and it is important that you should understand these.

378. As an American citizen, you are a free man ; and no one has a right to enslave your person, except for crime, of which you must first be convicted, upon a fair trial in open court ; or to take from you your property, except by due process of law.

379. You have a right to believe what you please ; to worship God as you please ; to express your opinions on all subjects freely (but you may be punished for libelous attacks on your fellow-men) ; to print what you please (with the same restriction) ; to assemble with whom you please, for lawful and proper objects ; to petition the state or Federal Government for redress of grievances.

380. You have a right to be arrested only for cause mentioned in a proper and legal warrant, served by an authorized officer of the law, who must show you his authority.

381. You have a right to be released on bail, unless charged with a capital crime ; and to be produced before the nearest court, on a writ of *habeas corpus*, in order that that court shall decide whether your arrest and confinement were properly made, and for sufficiently probable cause.

382. You have a right to a speedy trial by jury, to be confronted with the witnesses against you, to engage a competent person for your defense, and to know at once and definitely, before your arrest, what you are charged with.

383. You have a right to appeal to the proper court for

protection to your person and property ; and if the constituted authorities fail to protect you, you have a right to damages for their neglect.

384. You have a right to be secure in your house against searches by officers of the law, except on proper warrant, which must first be shown you, and for sufficient cause.

385. You have a right to keep and bear arms, but not, in most of our states, to carry them *concealed* upon your person.

386. You have a right to sue for damages any officer of the law who arrests or tries you in an unlawful manner.

387. These are the sacred and inalienable rights of all American citizens, and no constitution or law can deprive him of them. They make him secure against unjust or usurping rulers, and against unscrupulous attacks from a fellow-citizen. They enable the citizen to be safe against injustice, or to obtain, by summary or immediate methods, redress against unjust attacks. They are possessed by all the people—women and children as well as men.

XXXVII.

OF THE DUTIES OF AN AMERICAN CITIZEN.

388. If you have political rights of which, even by your own will, you can not divest yourself, and which are therefore properly called inalienable, so you have political duties which also you can not justly neglect or lay aside.

389. It is your duty as an American citizen to obey the laws, even if they are, in your belief, unjust or unwise. General Grant once shrewdly said that the best way to procure the repeal of an unjust or unwise law was to rigorously enforce it. It is your right to expose the folly or injustice of a law, to demand its repeal, and to try to get a majority to repeal it. But while it remains a law, you are to obey it.

390. It is your duty, if you are of age and a man, to vote

at all elections, and to inform yourself beforehand what measures and men you ought as a good citizen to support.

391. It is your duty to insist upon the prompt execution of the laws; to be ready, even at much personal inconvenience, to aid in their enforcement, if you are called upon by proper officers; and to resent with indignation every sign of lawlessness and violence, and require its vigorous suppression. For instance, if a riot should break out in a city where you are living, you are not to go out of town until it subsides; but you are to hasten to offer your support to the authorities, and to require their prompt and decisive action to restore order.

392. It is your duty—if you are a voter—to serve, when called on, as a grand or petit juror; and this at even great inconvenience.

393. It is your duty, if you are a man, to serve in the militia, if the law commands it; and every American voter ought to have a sufficient knowledge of the manual and use of arms to enable him to act efficiently if called out as part of the *posse comitatus* to put down a riot.

394. It is your duty to act generally with some political party, and to exert your influence upon its leaders to induce the nomination of capable and honest men for office. And it is your duty, if your party nominates a bad man, to vote against him, and thus keep the public and general good before your eyes, and set an example of true public spirit before your fellows.

395. It is your duty to watch the conduct of public officers, to see that they perform their duties and observe their constitutional limitations; and if they do not, then it is your duty to help to expose them, and at the elections to punish them. For it is only by such vigilance that a nation can preserve its liberties unimpaired.

396. These are your political duties, which you can not neglect or abjure without disgrace to yourself and harm to the country.

XXXVIII.

OF TRIAL BY JURY.

397. When a crime or an offense has been committed, and the police officers have arrested the person suspected of it, the prosecuting officer collects the evidence against him, and upon the meeting of the grand jury lays it before them in the form of an indictment. They investigate the charge; call witnesses before them if they wish, and if they have reason to believe guilt probable, they return the indictment with the indorsement, "A true bill." If they believe that the charges are not sustained, they make return "Not a true bill," whereupon the person is released; but he may be rearrested if, subsequently, new evidence is found against him.

398. The grand jury is a body of responsible citizens, usually twenty-three in number, selected under the eye of the court. We have, of course, grand juries for the Federal as well as for the state courts. Their authority to investigate crimes and offenses is not limited to cases laid before them by the prosecuting officer; they may make independent investigations, and if they find guilt or blame, may make what is called a presentment, which may thereupon be followed by an indictment, and this by trial. Upon the meeting of the grand jury, it is usual for the court to instruct them in their duties, and it may also direct their especial attention to notorious offenses. All their proceedings are secret, and the oath the grand jurors take makes secrecy a duty.

399. The object of a grand jury is to prevent injustice. If the prosecuting attorney were alone empowered to bring offenders to trial, he might either misuse this power for purposes of revenge, and thus annoy and disgrace innocent persons; or he might be bribed to withhold an indictment, and

thus favor the escape from justice of wealthy or powerful criminals. The powers of the grand jury are a check upon him; and their number, and the care usually taken to select only responsible and well-known citizens, makes the corruption of a grand jury improbable. The grand jury has power to compel the attendance of witnesses.

400. When a person charged with a crime or an offense is brought to trial, it is before a petit jury. The judge is not allowed to decide upon the guilt or innocence of the prisoner—for he might be prejudiced, or unduly influenced; twelve men, chosen from a numerous list of citizens, are appointed to hear the evidence, and to declare upon the question of guilt. In selecting a jury, the accused, and the plaintiff or the prosecuting attorney, have a right to “challenge” or object to a certain number peremptorily, or without giving reasons, and they may object to others if they can show that these are prejudiced. The judge attends to the pleadings of the lawyers; takes care that witnesses are properly sworn and examined; and, in his summing up to the jury, points out to them if the counsel on either side have made unsupported assertions, instructs the jury in their duty, and endeavors to clear the case of all extraneous matter; his charge is of course without bias or favor. Thereupon the jury retire to deliberate; and if they can unanimously agree, their foreman announces the verdict. The judge then delivers the sentence, as provided by the law. When an accused person has been regularly acquitted by the verdict of a jury, he can not again be brought to trial for the same offense.

401. Now you can see that it is highly important, for the cause of justice and public order and morality, that both the grand and petit juries shall be composed of intelligent and upright citizens; otherwise crime will go unpunished, and society will suffer in a way not easily repairable. Bear in mind, therefore, that to serve on a jury is one of the most important duties of an American citizen—a duty which he can not avoid without wronging the community of which he is a part.

XXXIX.

THE PRIMARY MEETING AND THE CAUCUS.

402. Party management begins in the townships and wards, and with the action of the body of members of the party in these districts. The primary meeting is the place where all the members of the political party may express their will, and where they choose delegates to the larger bodies called nominating conventions. If it were convenient, all the members of the party in a county might meet in one place, to select delegates or to nominate candidates; and in New Jersey and some other states this was formerly done. But the township or ward primary meeting is now general, because it is the least inconvenient. The primary meetings select delegates for the county, congressional, and state conventions; and these delegates, meeting in conventions on an appointed day, nominate the candidates for office. Any person who is a voter in the township or ward, and at the next preceding election is known to have voted with the party holding the primary meeting, may properly take part in it.

403. As party government is inevitable and necessary in a free country, it is the duty of every citizen to attend the primary meetings of the party with which he acts. If honest and intelligent men neglect the primaries, they thereby hand the control of their party over to bad men. It is important to the welfare of the country that both the great political parties shall be controlled by wise and honest men; for a corrupt or debased minority can offer but a feeble opposition to the majority, and in reality helps to strengthen and to debase the majority; whereas a powerful, honest, and intelligent minority compels the majority to govern carefully and honestly. The demoralization of the party which is in the minority may thus, as you see, bring calamities on a country.

404. "Politics" have always been, in every free state, an enticing profession, followed by many honest and high-minded men out of a desire to see their favorite principles prevail; by other men to advance their private fortunes; and by yet others from a mixture or combination of both these motives. Our own politics are less corrupt, and our own politicians, taken as a class, are far more scrupulous than those of most free nations have been, either in ancient or modern times. When, therefore, men talk or write about the peculiar debasement of our politics, you need not entirely believe them. There is a good deal of irritating ignorance and some corruption among our political leaders, but not nearly as much as there is in England or France; it vexes us more because we meet it face to face. The truth is that our party politics are more intelligently, less dishonestly, and more honorably conducted than those of Great Britain, with which we are oftenest compared, and that the average of political morality is higher in the United States than in any other nation in the world.

405. In an ideal state, the people, gifted with unfailing discernment of merit, would select continually, and without prompting of any kind, the wisest and ablest men for their rulers; and these rulers would devise always the most beneficent and the noblest of policies for the nation. Practically, however, these matters are managed somewhat differently. The people are guided more or less by newspapers and by political leaders; men, able or the reverse, are brought into political life by careful management of their friends, or of the higher chiefs of a party, who are always on the lookout for capable men to help them; platforms are studied over and prepared by small coteries of politicians, to make them attractive to the people and conformable to the principles which the party desires to advance; and—to return to our primary meetings—the delegates chosen at these are for the most part selected beforehand by the political managers of a county or district, to insure the nomination of certain candidates. *Thus where several persons desire a nomination*

for the same place, the primary meetings are the scene of the strife between them ; and it is there that good citizens may defeat a corrupt or incapable candidate in their own party.

406. The preparatory work which I have described to you above is done in what is called a *caucus*—which is simply a private meeting of influential politicians. Whether the caucus shall be a good or an evil thing depends on the character of the men who compose it. It is a method of political action used alike by the best and the vilest politicians ; the wisest and most necessary measures of the last twelve years, for instance, as well as the basest and most injurious, have been discussed and prepared in caucus before they were presented to the public ; and both the ablest and the worst of our political leaders have been introduced into political life, and advanced in it, in these silent, secret, but not therefore necessarily evil councils, by their friends. In a country where intelligence is so widely diffused, and where there is so high an average of ability, it is very seldom that a man, except after long and brilliant service, becomes so conspicuously the one man for the place that his party retains him as a matter of course.

407. A fault in our political arrangements makes the caucus very often, in the hands of bad men, an instrument for elevating corrupt men to power. This is the practice, in the states and cities, of electing a great many of the executive officers. Where this is done, the caucus enables corruptionists to prepare a ticket composed of a few good men and a large tail of the lowest class of politicians, and such a “ slate ” is then forced upon the party as “ the best thing that can be got.” The viler kind of politicians do not trouble themselves much about a Congressional caucus ; but wherever a dozen or twenty candidates are to be nominated, there is their opportunity. If the executive head, be he President, Governor, or Mayor, has the selection, appointment, and removal of all his subordinates, a “ slate ” becomes impossible, and the caucus is no longer so powerful a tool in the hands of bad men. In some of our states, at one time, members of Congress were

chosen on a general ticket; that is to say, the whole Congressional delegation of the state was voted for by all the people of the state. But experience showed that the caucus put a few good men and a multitude of bad ones on the same ticket; and as both parties did this, the result was for evil only. It is sometimes urged that if the President, Governor, or Mayor has unrestrained power to appoint or remove his subordinates, he will appoint bad men. But even the decisive check of the Senate does not always suffice to prevent the appointment of conspicuously bad or incompetent men; and it does serve to conceal the faults of a ruler, and lessen his responsibility to the people, in a mischievous manner. It is better that a President or Governor or Mayor shall show his character plainly by bad appointments; for then he will become hateful to the people, and lose his chance of re-election, while the caucus will be shorn of its power for evil.

408. Do not be ashamed or afraid to meet in caucus, if you should by and by take part in politics; but remember that bad men and measures may be defeated there as well as at the primary meetings. And as a sound rule for party action, remember that if, in spite of your efforts, your party nominates a bad man for office, you should openly vote against him. For it is better, for your party's interest, that it should be defeated if it nominates bad men than that it should succeed. When a political party becomes the tool of corrupt or ignorant men, it is in danger, not of a temporary, but of a lasting defeat. If both parties nominate bad men for an office, it is better that your own party should be defeated; for it is not in that case responsible for the misgovernment, and your party leaders may learn wisdom from defeat. Hence, the more ardently you desire the success of your political party, the more vigorously you may scratch the bad names off your ticket when you go to the polls.

XL.

*OF THE IMPORTANCE AND DUTY OF THE
MINORITY.*

409. The first duty of a minority is to become a majority.

410. A minority is just as likely to be right as a majority; and if it is, and if it persists in asserting its principles, and if its leaders are able enough to frame a practical and constitutional policy, and to meet their opponents in argument before the people, it will by and by find itself in the majority. For "the people, rightly instructed, always favor the right." The long course of the antislavery discussion showed this. The first antislavery men were not practical politicians, but moralists; they demanded immediate and unconditional emancipation, because slavery was unjust, and injustice ought at any price to be removed. These excellent men had but little direct influence on practical politics—for the answer to their appeal was that the Constitution forbade interference with slavery where it existed. What they did was to advertise to the people, with wonderful courage and pertinacity, the monstrous wickedness of slavery. The political leaders of the minority, however, seized their opportunity, and at the auspicious time framed a policy upon the slavery question which was both practical and constitutional. They said, "We will not touch slavery in the states where it exists—that would be unconstitutional; but we demand that it shall not be extended to the territories, which are controlled by the Federal Government." With that policy they appealed to the people; and as it was both right and practical, and constitutional, and as the minority possessed very able leaders, who freely met their opponents in public debate, in time they achieved a perfectly legitimate political victory.

411. A minority is contemptible, and must fail, when it

has neither principles nor policy to oppose to the majority, but relies upon abuse of its opponents, or mere criticism of the majority's blunders. For in such a case, unless the majority is extraordinarily corrupt or inefficient, the people, seeing no principles at issue, will condone its offenses, and maintain it in power, out of a conservative spirit which is one of the most valuable qualities in a free people. Nor are they wrong in this; for if the minority have no satisfactory policy or principles to offer, their struggle is merely one for place or office, with which the people have but little sympathy.

412. In general, inefficiency is more quickly resented by the people in their rulers than corruption, unless that assumes the dimensions of mere vulgar robbery. Inefficiency and corruption usually go together. But the strongest appeal of a minority to the American people is against injustice; and a party in power may lose an election, and find itself suddenly deserted by its strongest friends among the people, on such an issue as that called the Poland Gag Law, which was believed to attack the liberty of the press.

413. A strong and able minority is a very important part of a legislative body. Its office there is to examine and criticise the propositions and acts of the party in power; to scrutinize its expenditures; to expose its inefficiency, its usurpations of power; to ridicule its blunders; and to oppose all attempts at bad legislation. Where a minority is strong in votes, and has able leaders, the first effect of its vigilance is to make the party in power more careful in administration and legislation, and thus to benefit the country; and its second effect is to rally to its side the most independent and ablest members of the majority, and thus—if the majority is inefficient or corrupt—to prepare the people's minds for a change at the elections.

414. But, on the other hand, where a legislative minority lacks ability and statesmanship, and offers a merely factious or trivial opposition, it is very apt to fall into contempt with the people, and to injure its own prospects of political success.

XII.

OF CITY GOVERNMENTS.

415. A city is a political corporation, created by the states and governed according to a charter framed by the state Legislature, and which may be altered or repealed by that body at will. This charter prescribes the duties and defines the powers of the rulers, just as any other political constitution does.

416. In our political system cities have become the strongholds of misrule. This arises from two causes: first, the city government concerns itself more intimately with the lives of the inhabitants than any other, wherefore there is a proportionately greater possibility of corruption and maladministration; second, city charters, almost without exception, subdivide power and responsibility among boards or commissions, and thus disable the people from discovering the authors of corruption and misrule, and from punishing them even if they are known.

417. The inhabitants of a city depend upon their central political authorities to make, repair, and clean the streets, to regulate the police, to abate nuisances, to protect them against fires, to adopt and enforce health regulations, to grant licenses to sell liquor, to provide public markets, to regulate street cars and gas-pipes, to care for the water supply, to manage the parks and other public places, to take charge of paupers, to control hospitals, to manage the free schools, to control wharves and piers if it is a sea-port, and to do a number of other things, of which some, outside of cities, are done by each citizen for himself, or by the private enterprise of citizens united for that purpose, and others are divided among county, township, and school-district authorities, each independently and directly responsible to the people. Moreover, all public work

in a city is on a large scale, and involves very great expenditures, compared with those of a rural county. Finally, the population of a city is less homogeneous in character than that of a rural county; the proportion of poverty is much greater; the number of people who live from hand to mouth is larger; the average of comfort is lower; the dependent part of the population is more numerous. At the same time, little or nothing is left for the people to determine in the smaller divisions—the wards and school-districts; and they are thus made politically ignorant.

418. Under such circumstances, it is of great importance that the central power, to which so much is assigned, shall be clearly visible to the people, in order that they may always and easily hold it responsible. The entire executive power and responsibility ought to be given to a single man—the Mayor—because then every citizen who had cause of complaint would know whom to blame. The Mayor ought to have the appointment of all his subordinates, because thus only can he hold them to their duty. The executive powers—that is to say, the enforcement of the laws—ought not in any detail to be assumed by the Council; for this is a most fertile source of corruption. The Council, which is the city's legislature, ought to be a numerous body, so that each councilman or alderman should be personally known to his small constituency, who could then oblige him to care for their interests, and punish him for neglect or corruption. Finally, the courts in a city ought to possess a very high character, and neither judges nor justices of the peace ought to be elected, but should be appointed—probably by the Governor of the state—and for life or good behavior, and they should have large salaries. With such a system, the city government would be amenable at all times to the will of the inhabitants, who could punish extravagance, inefficiency, or any kind of maladministration, at the elections, if they chose; and could at any rate make as good a government as they wished. Moreover, I want you to remember that where great power is given to an executive, able men like the place, and will seek it; for able men like to

exercise power. But if you make of a governor or mayor only a figure-head, and give the real power to others, the office falls into contempt.

419. Now almost all our city governments in this country are framed on principles directly contrary to those I have stated above. The executive powers, which ought to be concentrated in a Mayor, are divided among different boards and commissions, and are thus frittered away. The Council is usually a small body; the judges and justices of peace are elected, together with a large number of executive officers; the different parts of the executive hold office for different periods, and the people can never, at a single election, remove all the officers who have been concerned in maladministration; and finding themselves thus disabled, and compelled, moreover, to vote for a great number of officers of whose character and fitness they can not inform themselves, they presently lose all interest in public affairs, and resign the political power to knaves and their tools. The Mayor of a city like New York, did he have the powers which belong to the office, would have authority and patronage almost equal to that of the President of the United States; and the office would be one for which the ablest citizens would strive. But if he has no power, or but little, really able men will refuse the place.

420. City governments are made needlessly cumbrous and corrupt, also, by performing some duties which might well be left to private effort. For instance, the fire-insurance companies could manage a fire department much more cheaply and effectively than a political government. Again, the question of licensing drinking-shops might well be left to the people in the wards. Street-cleaning could, perhaps, be left to the wards also, though, as it has to do with the general health, this might not be possible unless the city government assumed not only the inspection of streets, but the punishment by fine of those ward authorities who neglected this duty. Finally, the city ought not to own market spaces, docks, piers, or other property used by private individuals. The city government should exercise, of course, the right of police and inspection,

but it can not own and manage such property either profitably or efficiently.

421. If you remember what you read about Decentralization and about the Responsibility of the Executive, you will see the way in which city governments may be reformed: first by relieving them of work which they can not do well; and next by fixing power and responsibility upon the Mayor. What is wanted is to enable the people readily, and at a single effort, to change the whole administration; then they can really punish maladministration—and they undoubtedly will, whenever it begins to oppress or offend them. For the mass of the people are vitally interested in moderately good government, and will inevitably get it, if the machinery of government is so arranged that they can, by willing it at the polls, punish the inefficient or corrupt rulers.

XLII.

OF SOME FAULTS IN OUR STATE CONSTITUTIONS.

422. It is a grave fault of most of our state constitutions that they allow, and in some cases make necessary, special legislation. By this is meant acts specially granting privileges to particular persons. You will see, if you consider for a moment, that where such grants are made, the Legislature becomes subject to the attack of cunning and unscrupulous men, who will seek privileges injurious to the people; that rival corporations will oppose each other before the Legislature, and resort to bribery to gain their ends or defeat their opponents; and that for perfectly proper objects men will be put to a needless expense and trouble to obtain a special charter.

423. *Whatever any citizens or association can rightfully do, they may do under general laws, equally applicable to all other citizens.* Thus every state should have a clearly drawn general railroad law, and other general laws under which all kinds of corporate enterprises could be prosecuted without the ne-

cessity for special charters; and the Legislature should be forbidden in the Constitution to grant or to entertain any application for a special charter of any kind whatever.

424. It is another grave fault of most of our state constitutions that they interfere with the power of the Governor to appoint his subordinates in the executive department, and thus weaken responsibility, and cause confusion in the government. Every where, also, the sheriff is elected in the counties; whereas he ought to be appointed by the Governor. He is the Governor's lieutenant in the county; the peace officer, who in case of riot or public disturbance has a right to call out the body of citizens, and with whom in all such emergencies the Governor communicates. His office, which is of right a very high and responsible one, is now degraded, and, having large fees annexed to it, has long been one of the important political "spoils."

425. It is another grave fault in almost all our state constitutions that they oblige the people to elect the judges, and thus debauch the courts, and lower their tone and authority.

426. It is another grave fault of the state constitutions that they restrict the power of the people, in the counties and townships, to refuse to license drinking-shops, to adopt compulsory education regulations, and to do other things for which they ought to be competent. Thus the Constitution errs in making too rigid the general rules under which the people are to live.

XLIII.

OF TERRITORIES, PUBLIC LANDS, COLONIES, AND MANIFEST DESTINY.

427. One of our greatest and most important political safeguards lies undoubtedly in the possession of vast quantities of public lands, and in the wise and liberal policy under which these lands have been thrown open to settlement.

428. The Federal Government is the original owner of waste or unsettled lands—both those in the territories and those which lie within constituted states. It has made a free gift to every state of a large quantity of these public lands, to be used for the support of public schools and of agricultural colleges; it usually gives to a state all the swamp and overflowed lands within its bounds which were public or Congress lands at the time of its admission into the Union; and it gives to every actual settler one hundred and sixty acres from the surveyed lands, free of cost, except the trifling charges for proofs of actual settlement and continued cultivation. It has also, within a few years, given a great quantity of land to railroad companies, on condition that they should construct and work railroads through these lands, and thus open them to settlement.

429. The political advantage of our possession of so vast a quantity of wild lands lies in this, that it leaves open for many years a broad field for the exertions of the more adventurous, enterprising, and restless part of our community. A hired laborer to whom the condition of dependence has become hateful has no refuge in a thickly settled European state except emigration to a distant country, and abandonment of his own nationality. This ought not to deter a European from emigrating; but the American workman is happy that he need not leave his country, but may, under the protection of its flag and laws, settle himself on the public lands, and there, with very little capital, achieve independence at least, and perhaps more. He has not to fear unequal or strange laws; for the farthest Western territory is ruled by Congress upon well-defined principles, and becomes a state as soon as it has acquired a sufficient population. The flag which floats over him commands peace and order, and the whole power of the Federal Government is ready to make his life and property secure.

430. A territory is organized politically by permission of Congress; its Governor and other executive officers and judges are appointed by the President; it has a Legislature which

enacts laws of local application, but Congress has the right to reject any of these acts. The inhabitants elect a delegate who represents them in Congress, but who has no vote. His duty is to tell the House in which he sits the wants of his constituents. When the people of a territory desire to form themselves into a state, they are allowed by Congress to frame and adopt a Constitution. This they present to Congress, for its scrutiny and approval; and Congress may in its discretion reject the instrument, and thus refuse to create the state; and from this decision there is no appeal, except to another Congress. Some territories, as Colorado, have applied several times for admission as states. The people of a territory do not vote for President.

431. Hitherto we have been fortunate in our territorial acquisitions, for we have gained land encumbered with but few inhabitants, and well fitted by climate, soil, and other natural properties, for the prosperous settlement of our own farmers and mechanics. Thus not only our laws, but, what is of infinitely greater importance, our manners and customs, have been easily transferred to and made dominant in these new lands; and it is one of our greatest pieces of national good-fortune that, with unimportant local differences, we are still, in spite of the vast extension of our boundaries, a homogeneous people—that is to say, a nation whose parts or elements are similar, not only in language, but in habits, customs, manners, methods of thought, and modes of action.

432. If you will think clearly, you will see that what we want, for the future, is not more people, but more land. If we should receive no further additions of population from Europe, we are now so numerous and so prosperous that our numerical increase will be very rapid. But we shall constantly receive great numbers of European immigrants, and these, who readily adapt themselves to our customs, are a welcome addition, and quickly become a part of us. For their descendants and ours, it would be a great advantage if we could secure still more vacant or sparsely settled territory, provided that these new lands were, by their climate and productions, fitted

for settlement by our own people. When, therefore, people use the phrase "Manifest Destiny," they mean—if they reflect at all—not that we ought to, or could without hurt to ourselves, annex indiscriminately all the states adjoining us, but that it is a part of our natural and sound policy to possess ourselves, for the use of our own people, of all the waste and desert lands lying near our boundaries.

433. Plainly, the annexation of tropical islands like Cuba, San Domingo, or the Hawaiian group, does not fall within this policy; for, 1st, these countries have already a tolerably dense population. 2d. This population is alien to ours in race, and in all its habits and customs, as well as in language. 3d. These islands are not suitable to make homes for our farmers and mechanics; on the contrary, their products are grown on estates where a few planters employ, at very low wages, great numbers of rude laborers, and need but a very few intelligent mechanics—nor could their industries be profitably pursued in a different way. Finally, the people whom we should have to accept with the land, in annexing these islands or the thickly settled parts of Mexico, are not fitted by character or training for the duties of American citizenship; and, as they occupy the land, there would be but a slender possibility of assimilating them to ourselves. But, on the other hand, we could not with security to ourselves refuse them political rights, if we made them a part of our body politic. It is repugnant to our political theory to hold territories except with the expectation of their speedily becoming states; because otherwise local self-government would be impaired, and the Federal administration would unduly increase its patronage and means of corruption.

434. Thus, as we want land and not people, sound policy tells us not to annex territory which has already an independent and tolerable dense population. But sound policy also urges us to cultivate intimate and friendly relations with our neighbors; and this we can do with advantage to ourselves as well as to them by establishing with them the utmost freedom of commercial exchange. Commerce makes sure and

faithful allies; and if we were wise enough to establish and maintain absolute free trade with Canada and Mexico, with the Sandwich Islands, with San Domingo and Hayti, and with Cuba—if, as is probable, that island becomes independent of Spain—we should greatly extend our own commerce, and should have the *use* of all these countries without the responsibility of ruling them. We should find them willing and faithful allies in case of war; and our own course toward them would preserve them from the aggressions of European powers. In this way, I would like you to believe, we should best fulfill, if not our Manifest Destiny, what is of greater importance, our Manifest Duty, toward these weaker neighbors of ours.

XLIV.

WHEN WE NUMBER ONE HUNDRED MILLIONS.

435. The larger the machine, the more important is it that it shall be built upon sound principles of mechanics, and that it shall be carefully managed in accordance with the laws of its construction; for a break in a machine which weighs a hundred tons and moves at a great speed in all its parts is more disastrous than one in a hand-machine whose momentum is insignificant, even if its speed of revolution should be great.

436. What is true of a piece of machinery in this respect is equally true of a state or nation. The more populous it is, and the more extended its area, the more unwieldy it becomes, the more disturbing is every friction of the parts, and the more vital it is that its managers or rulers shall be made to adhere closely to the principles on which its government is constructed.

437. The fundamental and most vital principle underlying our political system is that called DECENTRALIZATION, by which the duties imposed by the people upon their rulers are divided

among several distinct governments, each acting independently in its sphere, but all subordinate to one general or organic law, called with us the Federal Constitution, and so arranged as to work harmoniously to a common purpose.

438. You have seen, in other sections, how this division of powers is regulated in our political system; and I have explained to you that it has clearly defined objects: namely, to leave as much as possible to the private enterprise and ingenuity of the people; to leave to them also, in the smaller political subdivisions, the direct management of their minor or local affairs, and thus to train them in independence, self-government, and public spirit; secondly, to enable the people easily to control and change their rulers at regular elections, and to do this in one locality without necessarily disturbing the whole country; thirdly, to give the people, in their different subordinate governments, strongholds against possible usurpation of power by the Federal rulers, and in the Federal Government security for peace, order, and free exchange and intercommunication in all the parts; fourthly, to relieve the Central or Federal Government of a multitude of details, the control of which would make it cumbrous, inefficient, and tyrannical, and would dangerously increase the patronage of the Federal rulers and their power to corrupt the people; and, finally, to enable the people of different states, counties, and even townships to determine, each locality for itself, upon local regulations and laws suited to their habits and customs—all of which laws, however, are to be in conformity with the Federal Constitution and the laws of Congress.

439. Thus we secure uniformity in the general system, with independence, variety, and elasticity in details; the least interference with personal liberty, combined with security to person and property.

440. We Americans enjoy the most perfect government in the world; and we owe to it almost all the blessings which make our lives exceptionally happy. Peace, liberty to a degree unknown to the subjects of European powers, free opportunity for the exercise of all our faculties, knowledge and intelligence

within the reach of the humblest citizen, security against injustice, stability of order—these and other blessings we owe, not to the rulers we choose, but to the *form* of government under which we live, which is as beneficent in what it leaves undone as in what it does.

441. But in all earthly contrivances there is a tendency to change; and it has been noticed that as we increase in population there is an increasing propensity to impose more upon the Federal Government, and to take from the powers of the local governments. This all wise citizens ought to resist, for as we increase in population it is necessary that we shall even add to the number of objects over which the people shall determine and rule in their local governments; for thus only can their political training be continued. If the Federal army should always be held ready to put down local disorders; if the state Legislatures should continue to undertake the government of cities; if the Legislatures or Congress should undertake the adoption of prohibitory laws; if Congress should assume the charge of public education and the control of corporations: by the time we number a hundred millions the American people will have far less public spirit and far less capacity for self-government than now.

442. It is in this direction that wise citizens will strive to guard against future dangers. The inconveniences, the temporary maladministration, and above all the apparent carelessness with which the people condone blunders in their public servants, need not give you occasion for gloomy forebodings. Our people are naturally inattentive to minor details in their governments. They forgive much to their rulers, if only they are convinced that these have an honest desire to serve the public. They are slow to lose their faith in old public servants, and especially in a political party which has once secured their confidence by conspicuous good service.

443. This quality, which is often vexatious, and sometimes causes thoughtful men to despair, is in fact a most valuable trait in any people; for it secures what is of the very greatest importance in public affairs—STABILITY.

444. Change is so great a curse that we could not even abolish so great a wrong as slavery without great temporary suffering: and that people is happiest and most likely to maintain its liberties, and to be prosperous, which, by natural temperament, dislikes change, and can be moved to it only upon important occasions and for clearly and even pressingly necessary objects. *Stability of laws, stability in industry and business, stability of character and of purpose in the individual*, are all of far greater importance than the most brilliant experiments in government, or the most seductive and adventurous enterprises.

445. But—finally—bear in mind that **NOTHING IS STABLE EXCEPT JUSTICE**. Unjust and unequal laws are liable to perpetual change.

XLV.

RULES FOR THE CONDUCT OF DELIBERATIVE ASSEMBLIES.

446. When you come to act with others in a public meeting of any kind, whether it is a college debating club, a town, church, or business meeting, or a legislative body, you will discover the extreme importance of orderly and systematic proceedings. A numerous assembly of men gathered for consultation or action of any kind very easily falls into disorder, and even slight disturbances or irregularities cause a great waste of time and temper. Thus a petty obstruction in the line of march of an army, which to two or three persons would be hardly noticeable, might yet, if the army contained ten thousand men, each of whom would have to leap over it, probably delay the rear several hours.

447. Moreover, wherever men are gathered in deliberative assemblies, there will be some of hasty tempers, some more eager, less logical, or more peremptory than others; and to preserve the rights of all it is absolutely necessary that each

member shall be able to appeal to some generally recognized rules of procedure, and that all shall submit to these rules.

448. To avoid disorder and maintain the rights of each, English-speaking people have in the course of time perfected rules for the conduct of public business, which apply as well to a debating club as to the Houses of Congress. These general rules are founded on common-sense, and have for their main objects the easy preservation of order and fair play to all, and the protection of the minority in such bodies.

449. When the French legislative body falls into an uproar and confusion too great for its presiding officer to control, he puts on his hat, and by that act concludes the session. His only way to restore order is to stop the proceedings entirely. But in the British House of Commons, or in the American Congress, long-established and universally respected rules, to violate which would be a very grave offense, prevent the necessity of such a ridiculous and time-wasting expedient.

450. The great body of the rules, as well as the precedents on which they rest, are contained in various books with which Congress and the State Legislatures are familiar, and to which constant reference is made in these bodies. But it is not necessary to the proper conduct of a debating or college society, or of a town or church meeting, that its members should be conversant with the whole body of Parliamentary law. A knowledge of the elementary rules which should govern proceedings in all deliberative assemblies is very useful to every American; and these, accordingly, I will endeavor to arrange in a clear and intelligible manner for your use in the following pages. Acquaintance with these elementary rules may enable you on occasion to save the time of a public meeting, help to maintain order and dispatch business in it, and preserve your own temper.

451. I desire, first of all, to impress upon you the absolute necessity of conducting all such bodies with dignity and order. Not unfrequently young people meeting in a debating club or other such society fancy the object of their convocation too unimportant to make dignified conduct necessary. This

is a mistake. No business whatever can be well conducted, nor can any society or assembly prosper, unless there is decorum, self-restraint, and such respect shown to the object of the meeting and to the persons assembled as will lend dignity and even a little solemnity to the proceedings. I have seen, once in my life, a state legislative body in which the Speaker was careless on these points, and weakly allowed members to enter with hats on their heads, to smoke during the session, to interrupt him and other members, and to indulge in trivial and disrespectful language; and I noticed that this body did not respect itself: the disorderly conduct permitted to its members made the body contemptible to itself, and affected very seriously its usefulness to the people. Hence, no matter how unimportant the object of a public meeting may be, if you are one of its members, it is your duty to enter quietly and with uncovered head; to sit in your seat attentively listening to the proceedings; to address yourself, if you speak, to the presiding officer only; to refrain from all trifling or disorderly conduct; and thus to assert the dignity of the body and preserve its decorum while it is in session.

452. The first business of a meeting is to choose a presiding officer. In large and formal assemblies, as political conventions, it is usual to begin with the selection of a temporary chairman. This is because in such assemblies the office of chairman or president is often so important that several persons desire it, and it is necessary to establish order, so as to enable the assembly to choose that one whom a majority prefers. The temporary chairman calls the meeting to order; and when quiet is obtained declares nominations in order, whereupon the candidates for chairman or president and secretary are nominated and elected. Or it may happen that the temporary chairman appoints, at the desire of the assembly, a committee to report a list of officers.

453. Where a public body comes together without previous organization, there has usually been some preliminary understanding among those who called it together as to the per-

son to be chosen presiding officer ; and in such a case one of these rises in the meeting and nominates the person thus agreed on, and puts the nomination to vote. If the meeting chooses it may vote him down ; and in such case, naturally, another person would then be proposed. Usually, however, there is no such disagreement on the first organization.

454. In any case, the meeting is not organized and prepared for business until a presiding officer, and properly also a secretary, are chosen.

455. Where the body has already officers, the chairman or president takes the chair punctually at the hour previously appointed, and calls the meeting to order.

456. In permanent bodies, the next proceeding in order is to call the roll of members. The object of this is to ascertain in a formal manner that a quorum is present.

457. A quorum is the number of persons required by the rules of the assembly or society for the proper transaction of business. Usually this is one more than half the total number of members ; but the number may be fixed by a special rule. No business can be properly transacted without a quorum, except the calling of the roll, and the necessary proceedings for summoning absent members. This is to prevent a minority from taking advantage of the absence of the majority to adopt measures and transact business which would not have the consent of the majority. If at any time during the session a quorum is not present, any member may call the attention of the chairman to that fact, whereupon all business stops. Parliamentary bodies, as Congress or a State Legislature, have by law the power to compel the attendance of members ; and when no quorum is present, if the House does not wish to adjourn, it sends its sergeant-at-arms to summon absent members to the bar, where they may be interrogated by the presiding officer as to the reason for their absence, and, if the House wishes, fined. Such a proceeding is styled a "Call of the House ;" and when it is determined on, the doors are usually locked, and remain locked until the House declares its wish to have them reopened. This is to

keep those present from leaving the House, and to maintain a quorum for business.

458. The assembly being organized and the officers in their places, it is the duty of the chairman or president to state the business before it. If the body has met in pursuance of any law or previous resolution, it may be proper to read that. If several matters of business are to come up, he announces first that which is first in order; and thus the body goes regularly to its work.

459. It is the duty of the presiding officer to maintain order. To this end he, and not the House, is addressed by the speakers; to him all motions, resolutions, and bills are submitted; no member may speak unless he is first recognized by the president; if several rise at once to address him, it is his part to recognize one, whereupon the others sit down; and where, as constantly happens, members do not understand the order of business before the meeting, or its condition at any moment, he must be ready to explain, to decide upon the propriety of motions, and generally to conduct the meeting. It is of great importance that the presiding officer should be treated with respect; that his decisions should be promptly and clearly made; and that they should be readily acquiesced in. If a member doubts the correctness of a chairman's decision, he may say so, and appeal to the House to support him; and the House may, at its discretion, overrule such a decision. But this ought seldom to be done, and will rarely happen if the chairman is competent. Wrangling and fussiness are productive of disorder in a public meeting; and it is generally the most ignorant members who are ready to jump to their feet with a question of order or an appeal against the chairman.

460. In legislative bodies, where a part of the business is referred to committees to be considered and elaborated, such committees are either selected by the presiding officer—as in the Federal House of Representatives—or elected by the House itself—as in the United States Senate. In the latter case, practically, the majority meet in caucus, and there frame

the committees, which are afterwards formally reported and submitted to the vote of the whole body. The Speakership in the Lower House is much sought after, because of the power the Speaker has over the policy of the country in the selection of committees. Where the Speaker is an able man, he can thus at the beginning of a session give a direction to the public policy by placing at the heads of important committees men of decided views. Also, he has thus the power to favor his personal friends. The reference of business to committees is that they may consider the proposed measure, and report upon it to the House, which may then concur with the committee or reject its report. This saves time; but it is also apt to prevent discussion; and the Federal House of Representatives has in the course of time become the slave of its committees, who, except in the case of revenue measures, are very apt to prepare a verdict which the House is compelled to accept without debate, by the adroit use of a motion called "the previous question," of which you will hear further on.

461. The order of business is regulated by the meeting, which may set a certain day and hour for the consideration of a specified motion; may declare a regular order for the introduction of business; and may otherwise regulate this matter. In the Federal House of Representatives, for instance, for the general convenience, one day in the week is set apart for the consideration of private bills; an hour on another day is set apart for a call of the states, for the introduction and reference of bills and joint resolutions; and if any member on a certain day can get the consent of the House by a two-thirds vote, he may have even these rules suspended for the introduction of special business. In any case, and whatever business is to come up, the Speaker announces it to the House.

462. When the member of an assembly wishes to make a motion or introduce a matter of business, he rises, and calls out, "Mr. Speaker"—or whatever the title of the presiding officer may be; if he is recognized, he has then the floor, and

states his proposition. He may be required to reduce this to writing; and if it is an important matter he has probably taken the precaution to do this beforehand, so that it may be recorded without error. Any motion, to be entertained, must be seconded, which is an immediate proof to the assembly that more than one of its members favors it. A motion made and seconded, and announced by the presiding officer, is thereupon the property of the meeting, and can not be withdrawn without its consent; this, however, is almost always given.

463. A fundamental rule is that a motion voted down can not be repeated until some other business has intervened.

464. Thus the motion to adjourn, which is said to be always in order—because an assembly ought always to have it in its power to dissolve its session—can not, if it is voted down, be made again until some other motion has been made or business transacted. This is to prevent an irritating waste of time.

465. It is another fundamental rule that no one can interrupt a speaker with a motion, even one to adjourn. The person who has the floor is entitled to complete his remarks, or to occupy the whole time allowed him by the meeting, and interruptions are out of order. If he gives permission to another to interrupt him he thereby resigns his own right to the floor; though he may give way for a brief interruption, by general consent, and resume afterward.

466. Next in the order of precedence, after the motion to adjourn, is the motion to lay on the table; which is substantially to adjourn the business in hand, in order that something else may be taken up.

467. Neither of these motions is debatable; because the assembly ought to have a right without delay, and at any time, to dissolve, or to turn to another subject.

468. A successful motion to lay on the table is generally equivalent to a rejection of the measure. This can not come up again out of its regular turn, except by a motion to take it up, or to reconsider the motion to lay on the table; and the pressure of business before a meeting usually makes its

members reluctant to go back to measures once disposed of or put out of the way. A motion to take a bill or other matter from the table is debatable.

469. Third in the order of precedence, among Parliamentary motions, is "the previous question." This is of the same nature as the two preceding: its object is to get done with business; and, like the other two, it is not debatable, because the assembly ought to be able at any time to make known that it is ready to vote upon the question before it. When a member calls for "the previous question," and the call is seconded, the presiding officer is bound to put it. It takes this shape: "Shall the main question be now put?" If the majority vote "aye," that shows that they have made up their minds, and wish no further debate.

470. If the assembly, by supporting the previous question, demands the main question, then the presiding officer takes in their proper turn, beginning with the last offered, the several amendments to the question before the House, if there are any, and finally brings to vote the question itself.

471. The previous question is sometimes an instrument in the hands of a majority to prevent debate, and to push through measures which perhaps would not bear discussion; but where it is ruthlessly used, it is very apt to arouse a feeling of opposition which is dangerous to a majority.

472. Where it is pretty certain that a public assembly or meeting is ready and desirous to vote, a cry of "Question! question!" calls the attention of the presiding officer to that fact; and if he perceives that the meeting really wishes to vote, he usually, before recognizing the next speaker, asks, "Is the meeting ready to vote on the proposition?" and the answering cries tell him what is the wish of the members. In such a case there is no need for the "previous question" formally put.

473. The three motions above described are not debatable, because, if they were, the assembly would be helplessly in the hands of a few of its members, who could by interminable debates keep it in session, or prevent it from acting on

bills or measures before it. The United States Senate does not allow the previous question, and the minority there sometimes deliberately and purposely put off decisions on measures by a long series of speeches, which have the purpose, by a continuous session, to wear out the majority, and bring them to terms or force them to a compromise.

474. You must understand that a motion to adjourn is not subject even to an amendment to adjourn to a named day or hour; because, as an amendment, this would open debate. Where it is desired to substitute for an adjournment without date one to a fixed date, it is usual to make a request that the first motion be withdrawn, whereupon the other is made.

475. It is well to remember also that a motion to take a recess is different from one to adjourn. A recess only interrupts, and does not close the session; and when after the recess the assembly comes together, it proceeds to business at once without opening formalities, such as reading the journal or calling the roll. On the journal the date of the session remains unaltered, even though the recess should carry it over to another civil day. But a recess can not carry the meeting past the regular hour of its next day's assembling.

476. The business before a meeting is in the shape either of a bill or a resolution. In either case it is subject to the following motions—besides those before mentioned—and in the order in which they are named:

477. To postpone to a fixed day or hour; whereupon the meeting agrees to consider it at that time; and when the time arrives the presiding officer's duty is to suspend other business, and lay that before the House.

478. Or to commit—which means to refer it to a committee for consideration, which committee is expected to report upon it to the House, at its own convenience, or upon the order of the House. The business of legislative bodies in this country is too much referred to committees, as I have pointed out to you above; and it is common to see a measure referred to a committee merely to get it permanently

out of the way. Of the duties of committees I shall speak further on.

479. Or to amend: If the member who introduced the bill or resolution accepts the amendment, it is at once incorporated in his bill; if he rejects it, it becomes a separate part of the question, and the House votes upon it before it does on the bill. It is possible to amend an amendment (but not to amend that again); but it ought to be avoided, and the friends of a measure can agree privately beforehand upon amendments. Sometimes its enemies try to kill it by amendments.

480. Or, finally, to postpone it indefinitely. In a legislative assembly the motion to lay on the table is practically equivalent to this, and is so used; and in the House of Representatives, when a bill has been passed, in order to prevent an opponent from moving a reconsideration—which would bring it again before the House—it is customary for the mover of the bill himself to move that the vote by which it was just passed be reconsidered, and to move to lay that motion on the table.

481. If you consider the matter you will see that the order of these motions, as prescribed in the rules, is founded on common-sense, and a desire to enable an assembly to transact business without improper delays.

482. To prevent undue haste, on the other hand, legislative bodies usually require a bill to be read three times, and often on three separate days; measures are referred to committees for examination; and on the final reading the bill is debated, unless the majority insists on the previous question. The reference of a measure to two Houses, and after its passage by both to the President or Governor, is also a measure of delay of great importance, because it gives time for thorough consideration.

483. Committees are composed of selected members of the assembly; and they are either appointed or elected, and for a special object. They may be permanent, or temporary and special. Their meetings, unless otherwise ordered, are private,

so far as the public is concerned; but it is held that any member of the assembly of which they are a part may attend their meetings. The first person named on the committee is usually its chairman; and if a member moves the appointment of a committee, it is customary to name him as one of its members, and to make him its chairman, unless reasons exist against that. The committee reports by its chairman, and the conclusions of the majority form the report. The minority of the committee have no right to make a report; but this is usually allowed, because they could bring their views before the House and the public in other ways. Where the assembly is divided on a measure, members of both sides should be appointed in equal numbers, giving the chairman to the majority; and thus giving an extra vote in the committee to that side.

484. Legislatures and other permanent bodies sometimes resolve the whole assembly into a committee, called the "Committee of the Whole." It is done on motion by a member, and for the consideration, usually, of a particular subject. When the House goes into Committee of the Whole, the Speaker or presiding officer leaves the chair, calling a member to take his place. The presiding officer may take the floor in the committee, and take part in the debate. The Committee of the Whole can not conclude any business, and can not adjourn. When it has completed the discussion of a bill, or is ready to cease for that time, a member moves "that the committee do now rise," whereupon the Speaker resumes his place, and his substitute in the committee reports to him briefly but formally what the committee has done, thus officially informing him of the stage at which the business was left. If the bill under consideration is ready for a vote, and that fact is reported, the Speaker may then bring it to a vote without further delay. If the House while in Committee of the Whole desires to adjourn, it rises; but only after the chairman has reported progress to the Speaker is a motion to adjourn in order. While in committee, there is no need to use the previous question to stop

debate, as the majority need only vote that the committee rise, when the debate stands adjourned, and the reconstituted House takes up other business. The object of going into Committee of the Whole is to be easily rid of those rules which otherwise limit debate, and to make discussion freer. In Committee of the Whole there is no limit to debate.

485. When a bill or resolution is introduced, if the assembly is willing it may then be discussed, and in the debate the mover has the right to address the House first. In debate the friends and opponents of the question should have the floor alternately, and it is usual for the mover to close the debate. No one is expected to speak more than once on the same question or bill.

486. In debate the speakers should confine themselves rigorously to the question; and if any one wanders away in his remarks to other matters, he may properly be called to order by the presiding officer on the request of a member. All personalities should be avoided; and to assist in this, it is a rule that no member shall, in debate, be called or spoken of by his name. In legislative bodies this rule is very rigidly adhered to; and in the British House of Commons, when the Speaker calls a member to order, and has difficulty in procuring order, by an old tradition, his last resort is a threat to "call the gentleman by name." As this threat has always been effective, I believe it is not known what would be the result if it were actually carried into effect.

487. In recognizing those who wish to speak during a debate, the presiding officer exercises a certain liberty of choice; but he must take care to be fair to both sides. If the debate is important, and comes up after notice, members often privately inform the presiding officer that they desire to speak; and he then makes a list of their names, and may properly arrange them in the order of their abilities if he wishes; taking care, however, that both sides are fairly represented. He then recognizes among those who rise to obtain the floor those on his list, and may give private notice to each beforehand when his turn is at hand.

488. The assembly may limit debaters to a specified time, giving each five or ten minutes, or half an hour; and it may, by unanimous consent, extend the time of any speaker who has not completed his remarks, and whom it wishes to hear. But such a favor must be by unanimous consent.

489. When the measure comes to a vote the presiding officer should clearly state it, and he then adds, "Those who are in favor of this will vote Aye, the contrary, No." And he should be very particular to put the question so that every member may understand the bearing or effect of his vote upon the question.

490. Those only may vote who are within the proper limits of the meeting when their names are called. If, for instance, a part only of the hall is reserved for the meeting, and the remainder for an audience, a member standing without the barriers of separation has no right to vote.

491. Finally, remember that one of the main and most important objects of a deliberative assembly is to debate. It is not a merit, but a fault, in such an assembly to hastily adopt a number of measures prepared beforehand by a committee or caucus; it is far better, more conducive to a proper understanding of the business in hand, and to the public welfare in the case of conventions and other public meetings, that the measures proposed should be discussed, even if apparently time should be thus lost. When a party convention meets in these days, it is too often a mere recording body. Its business is prepared by committees, whose members are oftenest selected beforehand; and when these bring in their reports, they are at once adopted, and this is supposed to be a declaration of the will of the people. But you can see that it is only a cheat. The delegates are not really consulted. It would be far better, more conducive to party harmony and the public good, if debate were expected and took place.

492. I have aimed to give you only such a brief outline of the rules in accordance with which meetings should be conducted as will let you understand the general principles; and

references to Congressional and other rules are only to illustrate these statements. Legislative bodies are guided in intricate cases by formal precedents, which are stated in large books, such as Barclay's Digest; works which are not only important to legislators, but interesting as showing the growth of what are called Parliamentary rules.

APPENDIX.

I. THE CONSTITUTION OF THE UNITED STATES.

QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES.

II. THE DECLARATION OF INDEPENDENCE.

III. WASHINGTON'S FAREWELL ADDRESS.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT.

SECTION I. *Congress in General.*

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II. *House of Representatives.*

Clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Clause 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Clause 3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Clause 4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Clause 5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III. *Senate.*

Clause 1. The Senate of the United States shall be composed of two senators from each state, chosen by the Legislature thereof for six years, and each senator shall have one vote.

Clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any state, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Clause 3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Clause 4. The Vice-president of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Clause 5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-president, or when he shall exercise the office of President of the United States.

Clause 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Clause 7. Judgment in case of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV. *Both Houses.*

Clause 1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

Clause 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V. *The Houses separately.*

Clause 1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Clause 2. Each house may determine the rules of its proceedings, pun-

ish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Clause 3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Clause 4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI. *Disabilities of Members.*

Clause 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Clause 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII. *Mode of passing Laws.*

Clause 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Clause 2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Clause 3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of

the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII. *Powers granted to Congress.*

The Congress shall have power—

Clause 1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

Clause 2. To borrow money on the credit of the United States;

Clause 3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

Clause 4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

Clause 5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Clause 7. To establish post-offices and post-roads;

Clause 8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

Clause 9. To constitute tribunals inferior to the Supreme Court;

Clause 10. To define and punish felonies committed on the high seas, and offenses against the law of nations;

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Clause 12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

Clause 13. To provide and maintain a navy;

Clause 14. To make rules for the government and regulation of the land and naval forces;

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

Clause 17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,

Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION IX. *Powers denied to the United States.*

Clause 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Clause 2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

Clause 3. No bill of attainder, or ex-post-facto law, shall be passed.

Clause 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

Clause 5. No tax or duty shall be laid on articles exported from any state.

Clause 6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

Clause 7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Clause 8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X. *Powers denied to the States.*

Clause 1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts; or grant any title of nobility.

Clause 2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Clause 3. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delays.

ARTICLE II. EXECUTIVE DEPARTMENT.

SECTION I. *President and Vice-president.*

Clause 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of

four years, and, together with the Vice-president, chosen for the same term, be elected as follows:

Clause 2. Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[*Clause 3.* The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-president. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-president.*]

Clause 4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Clause 5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Clause 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-president; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-president, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Clause 7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

* Altered by the 12th Amendment. See page 176.

Clause 8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION II. *Powers of the President.*

Clause 1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Clause 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Clause 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III. *Duties of the President.*

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV. *Impeachment of the President.*

The President, Vice-president, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. JUDICIAL DEPARTMENT.

SECTION I. *United States Courts.*

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II. *Jurisdiction of the United States Courts.*

Clause 1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens, or subjects.*

Clause 2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Clause 3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III. *Treason.*

Clause 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Clause 2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I. *State Records.*

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II. *Privileges of Citizens, etc.*

Clause 1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Clause 2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

* Altered by the 11th Amendment. See page 170.

Clause 3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III. *New States and Territories.*

Clause 1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned, as well as of the Congress.

Clause 2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SECTION IV. *Guarantee to the States.*

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence.

ARTICLE V. POWER OF AMENDMENT.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI. PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

Clause 1. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

Clause 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

Clause 3. The senators and representatives before mentioned, and the

members of the several state Legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION.

The ratification of the Conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President and Deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—Wm. Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, William Patterson, David Brearley, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Robert Morris, Thomas Fitzsimons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris.

Delaware.—George Read, John Dickinson, Jacob Broom, Gunning Bedford, Jr., Richard Bassett.

Maryland.—James M'Henry, Daniel Carroll, Daniel of St. Th. Jenifer.

Virginia.—John Blair, Jas. Madison, Jr.

North Carolina.—William Blount, Hugh Williamson, Richard Dobbs Spaight.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest,

WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I. *Freedom of Religion, etc.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II. *Right to bear Arms.*

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III. *Quartering Soldiers on Citizens.*

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. *Search Warrants.*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. *Trial for Crime, etc.*

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI. *Rights of accused Persons.*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII. *Suits at Common Law.*

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII. *Excessive Bail.*

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not granted to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII. *Mode of choosing the President and Vice-president.*

Clause 1. The electors shall meet in their respective states, and vote by ballot for President and Vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-president; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-president, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-president shall act as President, as in the case of the death or other constitutional disability of the President.

Clause 2. The person having the greatest number of votes as Vice-president shall be the Vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

Clause 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-president of the United States.

ARTICLE XIII.

Clause 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Clause 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Clause 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Clause 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-president of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the Legislature thereof, is denied to any of the male members of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Clause 3. No person shall be a senator or representative in Congress, or elector of President and Vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Clause 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Clause 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.

Clause 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color, or previous condition of servitude.

Clause 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

Who adopted the Constitution? Why a "more perfect union?" More perfect than what?

ARTICLE I.

Sect. I.—How is the Congress composed?

Sect. II.—1. How long does a Representative serve? What are the qualifications of voters for Representatives?

2. What are the qualifications of a Representative?

3. Explain the ratio of representation.

4. In case of the resignation or death of a Representative, how is the vacancy filled? Why does not the Governor appoint a successor? (*Ans.* Because he is to represent directly the people, and must therefore be chosen directly by them.)

5. How are the officers of the House of Representatives chosen?

Sect. III.—1. How are Senators chosen? What therefore do they represent? For how long are they chosen?

2. Who appoints Senators to fill a vacancy? Why are one third of the Senate chosen every second year?

3. What are the qualifications of a Senator?

4. Who presides over the Senate?

5. What is the office of the President *pro tempore*?

6. When is the Senate a court of justice? Who presides when the President of the United States is tried? Why not the Vice-President?

7. What are the limitations to the power of the Senate in impeachment? What is the meaning of impeachment? Explain the respective powers of the House of Representatives and of the Senate in this matter.

Sect. IV.—1. May Congress impose on the states a uniform method of choosing Representatives? And of Senators?

2. How long does a Congress last? How often must it assemble? May it hold a continuous session? (*Ans.* Yes.) On what day must it meet? On what day does it cease to exist? May a new Congress meet as soon as the previous one adjourns? (*Ans.* Yes.)

Sect. V.—1. What is a quorum? Who judges of the qualifications and election of the members of either House? Can either House compel the attendance of members? Why has it this power?

2. Who determines the rules?

3. Have both Houses power to make part of their journals secret? Why are the yeas and nays to be entered on the Journal?

4. Why may not one House adjourn for more than three days, or to another place, during the session?

Sect. VI.—1. Why are members privileged from arrest? Why exempt from question elsewhere for words spoken in debate? What does this exemption mean? (*Ans.* It preserves the member from suits for libel and slander, and other penal proceedings, for words spoken in his place, and thus secures him the utmost liberty of speech.)

2. What is the object of this clause?

Sect. VII.—1. Where are revenue bills originated? Why?

2. State the authorities who must approve a bill before it becomes a law. What happens if the President objects? How long may the President consider a bill?

3. Must all bills be presented to him?

Sect. VIII.—What is the limitation to the power of Congress to levy taxes? Recite the chief powers conferred on Congress in this section. In exercising

these powers, how is Congress guided? (*Ans.* First, by the provisions of the Constitution; and, secondly, by the will of the people, which it represents.) What is the object of the last clause of this section? (*Ans.* It conclusively confers power on Congress to pass all laws necessary to carry into effect the measures it has determined on.)

Sect. IX.—1. To what persons does this clause refer?

2. Explain the meaning of *habeas corpus*.

3. What is an *ex post facto* law? Why is it prohibited?

4. What is a capitation tax? Why is it so limited?

5. What is the effect of this clause? (*Ans.* It secures absolute freedom of commercial intercourse between the different states.)

6. What is the effect of this clause?

7. What is the object of this clause?

8. What is the object of this clause?

Sect. X.—1. Why are the prohibitions declared in this clause? (*Ans.* Because such acts, if performed by states, would cause confusion, and make a less instead of a "more perfect union.")

2 and 3. Why these prohibitions? (*Ans.* Because the acts prohibited to the states would, if attempted, interfere with the supreme authority of the Federal Government within the limits assigned to it in Section VIII.)

ARTICLE II.

Sect. I.—1. What is the Executive power? Explain why Congress can not be called an executive power. Who is the Executive head?

2. What is the number of the Electors? Why are Federal officers prohibited from serving as Electors?

3. (For the manner of electing the President and Vice-President, see the 12th Amendment.)

4. Is the time of choosing Electors uniform all over the United States? Why should it be? What is the day?

5. Who may be elected President?

6. Who succeeds the President in case of his death or removal? (*Ans.* In case of the death of both President and Vice-President, Congress has provided, by a law adopted in 1792, that the President of the Senate shall be acting President until a new election shall be held, which the Secretary of State is ordered to call.)

7. Why is the salary of the President fixed during his term?

8. State what the President promises in his oath of office.

Sect. II.—1. Why is the President made commander-in-chief of the armies, navy, and militia in time of war? (*Ans.* In order that all the powers of the Federal Government may be wielded by a single hand effectively for a single purpose. Remember that the Congress may, if it pleases, deny him an army or a navy.) Why may he require the opinion *in writing* of the heads of departments? Why should he not pardon or reprove in cases of impeachment? (*Ans.* Because impeachment is usually for malfeasance in office, and works only removal and incapacity to hold office.)

2. Who makes treaties? If the Senate rejects a treaty, does it fall? Why should the President nominate his subordinates?

3. When vacancies happen during a recess of the Senate, how are they filled?

Sect. III.—What are the documents called in which the President gives to Congress information, and advises them? Why may he convene both Houses? May he convene only one? Is he responsible for the faithful execution or enforcement of the laws?

Sect. IV.—For what offenses may civil officers be removed from office, and how?

ARTICLE III.

Sect. I.—How is the judicial power of the United States composed? For what period do the judges hold office? Who appoints them? (See Art. II, Sect. II.) Why should not their salaries be diminished? (*Ans.* Because they have to interpret the laws; and, in doing so, might excite the hostility of Congress, which might, if it had the power, punish them by lessening their salaries.)

Sect. II.—1. Trace out the powers of United States Courts. Do they adjudicate on state laws? (*Ans.* Only so far as to declare whether they are or are not in violation of the Federal Constitution.)

2. What is the meaning of original and appellate jurisdiction?

3. Why should trials of crimes be within the states where they are committed?

Sect. III.—1. What is treason?

2. What is corruption of blood? What is forfeiture?

ARTICLE IV.

Sect. I.—Why was this provision enacted?

Sect. II.—1. Has a citizen of New York the same privileges in Ohio or Louisiana as a citizen of those states? Why is this necessary?

2. Why must the Governor of a state demand, in another state, the surrender of a criminal or person charged with crime? (*Ans.* Because constant disorders and abuses would occur if irresponsible police officers of one state might go into another to make arrests.)

3. To what class of persons did this paragraph refer?

Sect. III.—1. On what condition may new states be formed? Why these limitations?

2. Does Congress govern the territories? What property has the United States? Is its authority supreme over forts, arsenals, light-houses, etc.?

Sect. IV.—What must the Federal Government guarantee a state? Against what must it protect it? Why the limitation as to its power to repress "domestic violence" in a state? (*Ans.* To force the Governor and Legislature of a state to use to the utmost their own legal authority before calling on the Federal Government, and thus to invigorate the local governments.)

ARTICLE V.

How are amendments to the Constitution proposed? How adopted? Why was the limitation as to equal suffrage in the Senate adopted? Is it wise to make the method of amendment as cumbrons as it is? If so, why?

ARTICLE VI.

1. To what does this clause refer?

2. What constitutes the supreme law of the land? Must we obey a Federal law, even if a state law forbids it?

3. Who must swear to obey the Constitution?

ARTICLE VII.

Was the Constitution ratified by all the states? How many states were needed to ratify it?

AMENDMENTS.

ARTICLE I.

State the three supreme rights of the people protected by this article.

ARTICLE II.

Does a law prohibiting the carrying of concealed weapons violate this provision? Why not?

ARTICLE III.

Why was this provision advisable?

ARTICLE IV.

What are *unreasonable* searches and seizures? What are the three necessary elements of a warrant of arrest, under this article? What is the meaning of warrant? Why should the power of arrest be thus guarded? Take the reverse of each limitation, and examine what power it would give to an officer.

ARTICLE V.

Why are persons in the army and navy, and in the militia in time of war, excepted from the safeguard of preliminary indictment by Grand Jury? What is the office of a Grand Jury? Why should not a person be twice tried for the same offense? What is due process of law?

ARTICLE VI.

State the guards specified in this article. Why are these provisions important to the liberty of the citizen? (The teacher should make the class intelligently explain the necessity for each separate provision; as, Why should a trial be speedy? Why public? An excellent way to do this is to let them reverse every proposition.)

ARTICLE VII.

What is the right guarded by this article?

ARTICLE VIII.

What rights are here guarded?

ARTICLES IX., X.

What are the objects of these articles?

ARTICLE XI.

What previous article of the Constitution does this Amendment define?

ARTICLE XII.

Describe the manner of electing the President and Vice-President.

1. If there should be more than two candidates for President, is a majority over all required? Who elects if the Electors fail? Why must the House act *immediately*? How are the votes taken? How many votes has each state? What happens if the House of Representatives does not elect?

2. Who elects the Vice-President if the Electors fail?

3. Who may be elected Vice-President?

ARTICLE XIII.

What is the object of this article?

ARTICLE XIV.

1. Who are citizens of the United States?

2. What is the object of this clause?

3 and 4. What is the object of these clauses?

ARTICLE XV.

What right does this article confer on citizens? Does it prohibit a state from adopting an educational qualification for the suffrage? What is it intended to guard against?

DECLARATION OF INDEPENDENCE.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED, JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others

to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining, in the mean time, exposed to all the danger of invasion from without and convulsions within.

He has endeavored to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our Legislature.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offenses :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the powers of our governments :

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin,

John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.

WASHINGTON'S FAREWELL ADDRESS

TO THE PEOPLE OF THE UNITED STATES.

(SEPTEMBER 17, 1797.)

FRIENDS AND FELLOW-CITIZENS :—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to

diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals that, under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very

liberty which you so highly prize. But, as it is easy to foresee, that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is, perhaps, of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential

advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionally greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them every

thing they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the inflections and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of government; destroying, afterward, the very engines which had lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy

of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing Constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypotheses and opinion; and remember, especially, that, for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the security of perfect liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils and enfeeble the Public Administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the

spirit of Liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your Representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would

reject ; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld ; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity ; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils ! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake ; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial ; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious ; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a

different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit or some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my Proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

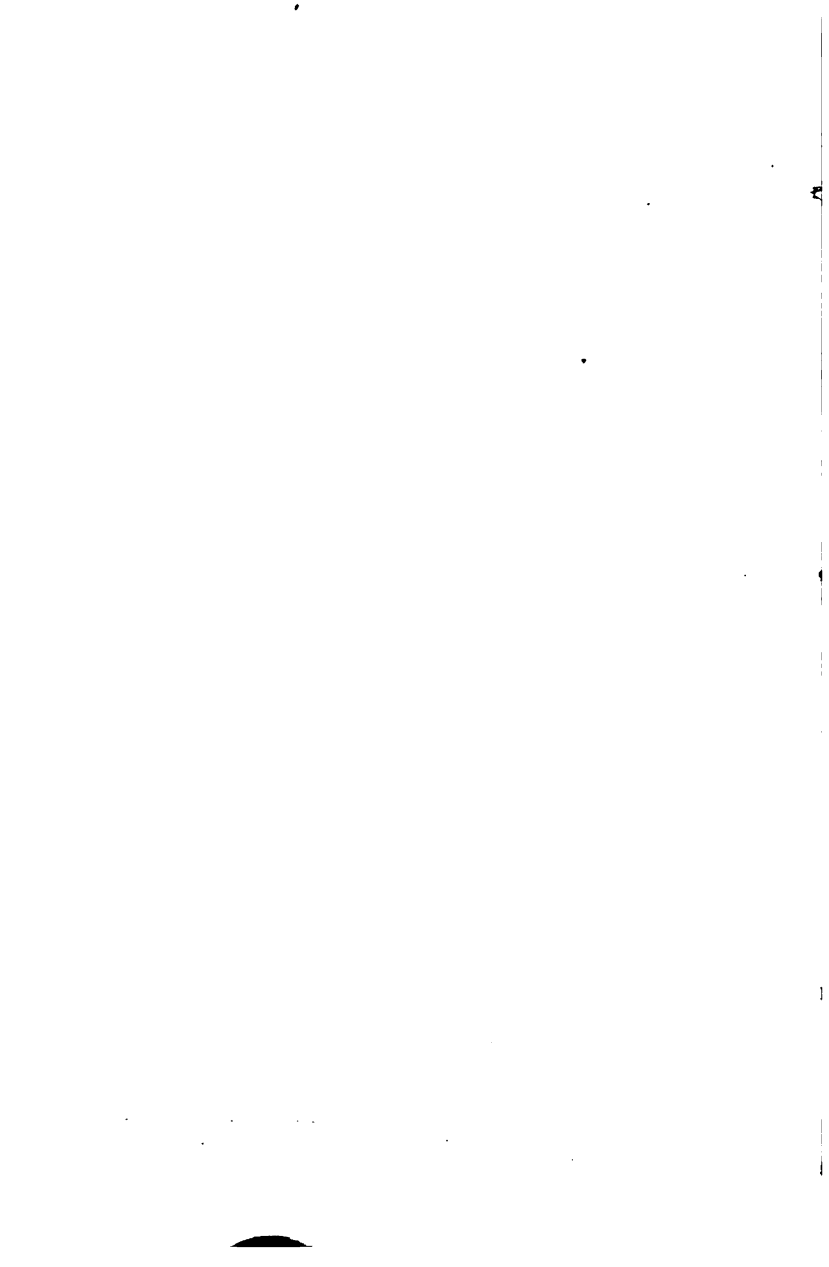
The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, September 17th, 1796.



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